

C.R.M. 11175 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 469/2019 dated 20.12.2019 under section 27(a)(b) of the Drugs and Cosmetics Act, 1940.

In re : Bilal @ Bellal Mondal ... Petitioner.

Mr. Kaushik Choudhury,
Ms. Bursa Khatoon ... for the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Ch. Majhi ... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Bilal @ Bellal Mondal is taken up for hearing and order.

It is submitted on behalf of the petitioner that no recovery has been made from the petitioner and charge sheet has been submitted under Section 21(C) of the N.D.P.S. Act.

The State refers to the case diary and opposes the prayer for anticipatory bail.

It appears that no recovery was made from the petitioner and his name has transpired from the statement of the co-accused made before the police officer which is inadmissible in evidence. Charge sheet has been submitted. The accused has been able to rebut the statutory restriction under Section 37 of the N.D.P.S. Act. As such, the petitioner is entitled to be granted anticipatory bail.

Accordingly, we direct that in event of arrest the

petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11175 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)