

06.06.2022

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Allowed

C.R.M.(A) 2325 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 99 of 2021 dated 22.05.2021 under Sections 21(c)/22(c)/23(c)/27A/20(b)(ii) of the NDPS Act and charge-sheet has been submitted being Charge Sheet No. 60 of 2022 dated 21.03.2022 under Sections 21(c)/22(c)/23(c)/27A/20(b)(ii) of the NDPS Act.

And

In Re : Mamun Shekh @ Mamud Mondal petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatoon

.....for the petitioner

Mr. Saryati Datta

....for the State

It is submitted by the learned Counsel appearing for the petitioner no narcotic substance has been recovered from the possession of the petitioner. Investigation is complete.

Learned Counsel appearing for the State produces the case diary.

We have considered the materials on record. Statements of the witnesses show no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statements of co-accuseds before the police officer which are inadmissible in law.

In view of the aforesaid circumstances, we are of the opinion petitioner has been able to rebut the statutory

restrictions under Section 37 of the NDPS Act and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

