

07.06.2022
Sl. No.76
akd
[ALLOWED]

C. R. M. (A) 2384 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.05.2022 in connection with Hogalberia Police Station Case No. 245 of 2021 dated 29.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.119 of 2021)

And

In Re: ***Suman Mandal @ Suman Sk.***

... .. Petitioner

Mr. Anisur Rahaman

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that 110 bottles of *DIALEX (TM) DC* cough syrup containing *codeine mixture* above commercial quantity was recovered from the possession of the petitioner and co-accused persons.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Hence, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Suman Mandal @ Suman Sk.***, be released

on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, 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 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)