

08.06.2022

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Allowed

C.R.M. (A) 2396 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No. 258 of 2021 dated 20.10.2021 under Sections 20(b)/20(c) of the NDPS Act.

And

In Re : Subrata Mondal @ Bhola Biswas

..... petitioner

Mr. Prabir Majumder

.....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

....for the State

It is submitted by the learned Counsel appearing for the petitioner that no narcotic substance was recovered from him. Co-accused has been granted pre-arrest bail.

Learned Counsel appearing for the State opposes prayer for anticipatory bail and submits that complicity of the petitioner had transpired from the statement of the co-accused before the police officer.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from the possession of the petitioner and as his complicity transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that the 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/- (Rupees Ten Thousand Only), 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 the petitioner 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.)