

14.06.2022.
78.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2560 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kankartala P. S. Case No.125 of 2021 dated 21.12.2021 under Sections 21/29 of the N. D. P. S. Act.

In the matter of : Chandi Charan Mondal.

... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Biswajit Manna.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. C. R. Ghosh.

.....for the State.

Heard the learned Advocates appearing for the parties.

Liberty is granted to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Learned Senior Advocate for the petitioner submits that he has been falsely implicated in the instant case. No narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner and the co-accused were dealing in narcotic substance.

We have considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime which transpires from the statement of co-accused before a 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 N. D. P. S. Act and 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 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 four weeks from date.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)