

28.07.2023
tkm/ct 28
sl no. 50

C.R.M. (A) 2930 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Krishnaganj P.S case no. 341 of 2022 dated 15.9.2022 under sections 21(c) of the NDPS Act
And

Allowed

In Re : Choto Novi Mondal @ Md. Nabichhaddin Sekh
..... petitioner

Mr. S Majumder
..... for the petitioner

Mr. R D Nandi
Mr. Antarikhya Basu
..... for the State

Heard learned lawyers for the parties.

Having considered the materials on record and bearing in mind the nature of allegations and as no narcotic substance was recovered from his possession and since his complicity had transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that 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.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2930 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)