

04.08.2023

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Allowed

C.R.M. (A) No. 2963 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Patiram Police Station Case No. 531 of 2022 dated 10.11.2022 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the NDPS Act.

And

In Re : Biswajit Tudu @ Mithun petitioner

Mr. Kaushik Chaudhury
Ms. Busra Khatun

.....for the petitioner

Mr. Ranadeb Sengupta

....for the State

Learned Counsel for the petitioner submits no narcotic substance was seized from the petitioner. Co-accused from whom narcotic substance was recovered has been granted pre-arrest bail. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. No narcotic substance was seized from the possession of the petitioner. Co-accused has been granted pre-arrest bail. His complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. Under such 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 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)