

28.06.2024
SL No.17
Court No.29
TN

CRM (A) 1999 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Lalgola Police Station Case No.454 of 2023 dated 17.10.2023 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : **Manoj Ghosh.**

- petitioner.

Mr. Jisan Iqubal Hossain

.... for the petitioner.

Mr. Arani Bhattacharyya

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. The name of the petitioner transpires on the basis of the statement of a co-accused during police custody.
2. The learned Counsel for the State in opposing the prayer submits that the name of the petitioner transpires from the statement of a co-accused.
3. Considering the materials available in the case diary and having regard to the fact that the name of petitioner transpires on the basis of the statement of a co-accused in police custody, which is inadmissible in evidence, the petitioner is able to rebut the presumption under Section 37 of the NDPS Act.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Manoj Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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. The petitioner shall not leave the jurisdiction of the District Murshidabad till submission of the final report. The petitioner shall submit his passport with the Investigating Officer of the case and in the event he is not a passport holder, then an affidavit to that effect shall be filed before the learned Judge, Special Court under NDPS Act, Berhampore at the time of surrender.

5. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)