

03.08.2021

(Via Video Conference)

Court No.28
Item No.351
(ALLOWED)

CRM 1333 of 2021

Ab/Saswata

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 29.01.2021 in connection with Special Case No. 52 of 2016 (Ref: S.I.'s S.L.no. 26/15-16 dated 21.01.2016) of Excise, Sadar RPU Malda, under Sections 18(c)/8(b) of the NDPS Act;

And

In the matter of : **Kanchan Mandal**

...Petitioner

Mr. Anirban Sarkar
Mr. Mounick Ghosh

...For the Petitioner

Mr. Saryati Dutta

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Special Case No. 52 of 2016 (Ref : S.I.'s S.L.no. 26/15-16 dated 21.01.2016) of Excise, Sadar RPU, Malda under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner prays for anticipatory bail on the ground of parity. It is submitted that the similarly circumstanced person, namely, Meghu Mandal, has been granted anticipatory bail by this Court amidst the pendency of the instant application.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that the similarly circumstanced co-accused has

been enlarged on anticipatory bail by this Court.

Upon hearing the respective submissions and on perusal of the materials available from the record and the fact that one of the similarly circumstanced co-accused has been granted anticipatory bail, we do not find any justification in custodial interrogation of the petitioner.

Hence the prayer for anticipatory bail of the petitioner is allowed.

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, 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.

CRM 1333 of 2021 is, thus, **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)