

30.07.2021
Item no.12.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1449 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.02.2021 in connection with Kumarganj Police Station Case No.75 of 2019 Dated 7.4.2019 under Sections 21/22/23 of the NDPS Act read with Section 14(A)(b) of the Foreigner Act

And

In the matter of : Enamul Mandal @ Habbu

.....Petitioner.

Mr. Kaushik Choudhury,
Ms. Barsha Khatunfor the Petitioner.

Mr. Rana Mukherjee, Ld. APP
Mr. Saryati Duttafor the State.

The case is under the provisions of the NDPS Act, 1985.

Admittedly, there was no recovery of contraband articles from the petitioner. The petitioner has been implicated on the basis of statements made by a co-accused against whom there is also a charge under the Foreigners Act.

We have seen the material in the case diary and heard the learned Counsel for the parties. We are of the view that immediate custodial interrogation of the petitioner may not be necessary. The restriction in Section 37 of the NDPS Act is not attracted insomuch as there was no recovery from the petitioner.

Accordingly, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1449 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)