

30.07.2021
Item no.17.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1652 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 9.02.2021 in connection with Kaliachak Police Station Case No.593 of 2019 Dated 12.09.2019 under Sections 21 (C)/29 of the NDPS Act

And

In the matter of : Sibango Mandal & Anr.

.....Petitioners.

Mr. M. H. Choudhuryfor the Petitioners.

Mr. T. D. Nandy,
Mr. Antarikhya Basufor the State.

This is a case under the provisions of the NDPS Act. Admittedly, no contraband article has been recovered from the present petitioners. The petitioners have been implicated on the basis of the statement made by the co-accused person from whom recovery was made. As such, the restriction in Section 37 of the NDPS Act is not attracted.

Having considered the facts and circumstances of the case and the material on record, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each,

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 petitioners fail 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.1652 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.)