

14.06.2021
Court No.28
Item No. 12
Krishnendu
Allowed

CRM 1867 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Jalal Mandal @ Jalaluddin Mandal**

Petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatoon

For the Petitioner

Mr. Binay Panda

Mrs. Puspita Saha

For the State

Apprehending arrest in connection with Tapan Police Station Case No. 232 of 2020 dated 31.07.2020 under sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the present application.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance was recovered from the petitioner and his name has transpired on the basis of a statement of a co-accused person before a police officer, which is inadmissible in evidence and as such we are of the opinion that the provisions of section 37 of the N.D.P.S. Act are not attracted. It further appears that similarly situated persons had also been granted anticipatory bail by a co-ordinate Bench of this Court in CRM 7359 of 2020. In view thereof, we are of the opinion that custodial interrogation/detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Jalal Mandal @ Jalaluddin Mandal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall appear before the Investigating Agency and hand over his passport, if any, within two weeks from date.

In the event he does not have any passport, he will personally appear before the Investigating Agency and furnish an affidavit to that effect within the time-frame mentioned hereinabove.

It is further made clear that in the event he fails to comply with the conditions, the learned Trial Court shall be at liberty to cancel his bail, in accordance with law, without any further reference to this Court.

The application for anticipatory bail, being CRM No. 1867 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kausik Chanda, J)

(Tapabrata Chakraborty, J)