

06.08.2021
Item no. 26
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 1998 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Balurghat Police Station Case No. 27 of 2020 dated 15.01.2020 under Sections 20B/21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mojarul Mondal @ Baidya Mondal.

.....Petitioner.

Mr. Kaushik Chaudhury, Advocate,
Ms. Bursa Khatun

.....for the Petitioner.

Mr. Sanjoy Bardhan, Ld. A.P.P.,
Ms. Manisha Sharma, Advocate,

.....for the State.

It is not disputed that no narcotic substance was recovered from the possession of the petitioner and his name has transpired from the statement of a co-accused.

Having considered the material on record and the fact that no narcotic substance above commercial quantity was recovered from the petitioner, we are inclined to hold that the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act are not attracted and the petitioner may be granted anticipatory bail.

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 CRM 1998 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.)