

30.
15-09-2021
(ct. no.32)
KOLE
Allowed

CRM 2211 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Special** Case No. **33 of 2016** dated **19.01.2016** under Sections **18(c)** of the NDPS Act.

- A n d -

In the matter of : Rasik Mandal @ Rashik Mandal & Anr.

.... Petitioners.

Mr. K. Saha,

... For the Petitioners.

Mr. S. Datta,

... For the State.

The charges are under Sections 8(b) and 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The allegation is of cultivation of poppy. The petitioners say that they are innocent. They have only 4 decimals of land where they cultivate paddy.

The State says that the petitioners were absconding for five years. However, they have responded to notice under Section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and are cooperating with the Investigating Officer.

In view of the cooperative conduct of the petitioners and since the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is not attracted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Rasik Mandal @ Rashik Mandal** and **Bhabesh Mandal @ Shri Bhabesh Mandal** 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 the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2211 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)