

41. 11.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2268 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/02/2021** in connection with **Sagarpara Police Station Case No. 49/2020** dated **25/08/2020** under Sections **186/188/34** of the Indian Penal Code and Sections **21/22/23** of the N.D.P.S. Act and Section **11(d)** of the Prevention of Cruelty to Animals Act.

And

In the matter of: - **Alam Ali Mondal @ Alam Mondal**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

...for the State.

Admittedly, there was no recovery of contraband substance from the petitioner. He says that his name has transpired from statements made by co-accused persons.

Charge-sheet has been filed. We have seen the material in the Case Diary. Such material *prima facie*, does not implicate the petitioner.

In view of there being no recovery of contraband items from the petitioner, the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act would not be attracted.

Having considered the facts and circumstances of the case and the material on record and the fact that charge-sheet has been submitted, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary.

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.

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 being C.R.M. 2268 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)