

76.
27-08-2021
(ct. no.32)
KOLE
Allowed

CRM 2884 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi Police Station** Case No. **46 of 2021** dated **01.03.2021** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Muklesur Mondal @ Maklesur Mondal & Anr.

.... Petitioners.

Mr. M. Gomes,
Mr. J. I. Hossain,

... For the Petitioners.

Mr. Ranabir Ray Chowdhury,
Mr. A. Das,
Mr. M. Das,

... For the State.

Admittedly, there was no recovery of contraband items from the petitioners. They have been implicated on the basis of the statements made by co-accused persons.

In view of there being no recovery from the petitioners, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have seen the material in the case diary. There is nothing specific which prima facie implicates the petitioners. Investigation is in progress. The petitioners say that they are ready, willing and prepared to cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners 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 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 2884 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.)