

23.09.2021

CRM 2936 of 2021

**Court No.28
Item No.186
(Allowed)**

**Akd
&
As**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 148 of 2020 dated 01.12.2020 under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Aminul Mondal @ Aminur Mandal.**
...Petitioner.

**Mr. Kaushik Choudhury,
Ms. Busra Khatun.**

...For the Petitioner.

**Mr. Binoy Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat.**

...For the State.

Apprehending arrest in connection with Hili Police Station Case No. 148 of 2020 dated 01.12.2020 under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail.

Admittedly commercial quantity of contraband was recovered from one person Moula Mondal and he was arrested at the spot. Subsequently he has made statement recorded under Section 161 of the Code of Criminal Procedure disclosing the name of the other persons including the petitioner, who has the link with the smuggling of the aforesaid contraband to Bangladesh.

There is no other material surfaced in course of investigation establishing a link with the petitioner. In view of the fact that the name of the petitioner has been disclosed by the co-accused before the police without any other material establishing a link, such statement at this stage cannot be said to be sacrosanct. Charge sheet has already been submitted.

In view of the above, we do not think that the custodial interrogation of the petitioner is 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 Additional Chief Judicial Magistrate, Dakshin Dinajpur subject to the condition that the petitioner will appear before the Trial Court on every date of hearing and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event, the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without further reference to this Court.

The application for anticipatory bail, being **CRM 2936 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)