

28. 04.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3246 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **08/04/2021** in connection with **Special Case No. 26 of 2021** arising out of **Hili Police Station Case No. 49 of 2021** dated **19/03/2021** under Sections **21(c)/22(c)/23(c)/27A** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Sujit Mandal @ Mondal**

...petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,

Mr. Bibaswan Bhattacharya

...for the State.

Admittedly, there was no recovery of contraband items from the petitioner. He has been implicated on the basis of statement made by a co-accused person. In view of there being no recovery from the possession of the petitioner, the statutory 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 including the statements of witnesses. *Prima facie* there does not appear to be enough incriminating material against the petitioner. Investigation is going on.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Sujit Mandal @ Mondal** 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.

And on further condition that the petitioner shall meet the Investigating Officer once in every fortnight 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 C.R.M. 3246 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)