

27.05.2021
Court No.28
Item No. 25
CP

CRM 3725 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure;

And

In Re : **Masud Mandal**

Petitioner

Mr. Kaushik Choudhury

For the Petitioner

Mr. Rana Mukherjee

Ms. Faria Hossain

Mr. N. P. Agarwal

For the State

Apprehending arrest in connection with Balurghat Police
Station Case No. 378 of 2020 dated 01.10.2020 under sections
21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and
Psychotropic Substances Act, the present application has been
preferred.

Learned advocate appearing for the petitioner submits that
the petitioner has been falsely implicated. There was no recovery
of any contraband substance from the possession of the petitioner
and his name has transpired on the basis of a statement of a co-
accused person. He further submits that co-accused person
similarly situated with the petitioner has already been granted
anticipatory bail on December 16, 2020 in an application being
CRM 10083 of 2020.

Mr. Mukherjee, learned advocate appearing for the State,
could not dispute the fact that there was no recovery of any
contraband substance from the possession of the petitioner. He
informs the court that upon completion of investigation charge-
sheet has been filed.

Prima facie, it appears that the petitioner's name has transpired on the basis of a statement of a co-accused person and there had been no recovery of any contraband substances from the possession of the petitioner. It further appears that a co-accused person similarly situated had already been granted anticipatory bail by a coordinate bench of this court.

In the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Masud Mandal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 3725 of 2021 is, thus, disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)