

09.12.2021
Item no.494
Court No.32
Avijit Mitra

C.R.M. 4272 of 2021

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

And

In Re : Jyotish Mondal @ Jaytish Mandal

.... petitioner

Mr. Tapodipta Gupta

....for the petitioners

Mr. P.K. Dutta,

Mr. Santanu Deb Roy

..... for the State

Apprehending arrest in connection with Raninagar Police Station Case No.285 of 2020 dated 09.08.2020 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance above commercial quantity from the possession of the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that no contraband substance above commercial quantity was recovered from the possession of the

petitioner and his name has transpired on the basis of some statements of the witnesses. In view thereof, we are of the opinion that the rigors of Section 37 of the NDPS Act are not attracted and as such, custodial interrogation is not necessary, more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jyotish Mondal @ Jaytish Mandal**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.4272 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

