

CRM No.4539 of 2021

**Via video conference**

30.11.21

(S.R.)

Sl.188

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jalangi** Police Station Case No.04 of 2021 dated 04/01/2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act;

And

**In re: Abbas Mondal @ Khairulla Mondal & Ors. ... petitioners.**

Mr. Ali Ahsan Alamgir

Ms. Riya Das

Ms. Rabia Khatoon

... for the petitioners.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

The present application is dismissed as infructuous so far as the petitioner nos.1 and 3 are concerned, as they have already been arrested, as submitted by the learned advocate appearing for the petitioners. The learned advocate further submits that there had been no recovery of contraband substance from the possession of the petitioner no.2 and his name has transpired on the basis of a co-accused statement. Upon investigation charge sheet has already been submitted and as such, custodial interrogation of the petitioner no.2 is not necessary.

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

Having heard the learned advocates and considering the materials in the case diary and since there had been no recovery of contraband substance from the possession of the petitioner no.2 and his name has transpired on the basis of a co-accused statement, we are of the opinion that the rigours of Section 37 of the NDPS are not attracted and as such, custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Patan Mondal** will 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 with a further direction that the petitioner no.2 shall not leave the jurisdiction of **Jalangi** Police Station save and except for attending the learned court below on all the dates as specified for hearing.

It is further directed that the petitioner no.2 shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner no.2 fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.4539 of 2021 is, accordingly, 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.)**