

06.12.2021

Court No.32

rpan / **02**

CRM 4505 of 2021

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

And

In Re : **Khairul Mondal @ Kharul**

- Petitioner

Mr. Anindya Ghosh (through v.c.)

... for the Petitioner.

Mr. Sanjoy Bardhan

... for the State.

Apprehending arrest in connection with Kumarganj P.S. Case No.87 of 2017 dated 21.04.2017 under Sections 21/22/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

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 the statement of the co-accused person. In view thereof, the rigours of Section 37 of the N.D.P.S. Act are not attracted. Upon completion of investigation charge sheet has also been submitted and as such, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Khairul Mondal @ Kharul** 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.

It is further directed that the petitioner shall reside within the jurisdiction of Kumarganj Police Station until further orders and shall attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 4505 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.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)