

09.12.2021

Court No.32
rpan / 503

CRM 6768 of 2021

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

And

In Re : **Arup Mandal & Others**

- Petitioners

Mr. Mounick Ghosh (through v.c.)
... for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee
... for the State.

Apprehending arrest in connection with Farakka P.S. Case No.12 of 2020 dated 14.01.2020 under Sections 18(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case no.13 of 2020], the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that they have been falsely implicated. They are not the owners of the land. Upon completion of investigation, 26 persons were charge-sheeted, out of whom 12 persons have already been granted anticipatory bail and the present petitioners are similarly situated with the said co-accused persons. In view thereof, custodial interrogation is not warranted.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary and assessed the role of the petitioners. Upon such cumulative assessment, we, *prima facie*, find that the petitioners are similarly

situated with the co-accused persons, who have already been granted anticipatory bail by a coordinate Bench of this Court. In such circumstances, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Arup Mandal, 2. Satya Mandal, @ Satyajit Mandal, 3. Dulal Mandal @ Dulal Mondal, 4. Provash Mandal, @ Probhat Mondal, 5. Dupu Mandal, @ Radheshyam Mondal, 6. Tilok Mandal @ Tilak Mandal** and **7. Shyamal Mandal @ Shyamala Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners 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 any manner whatsoever.

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

The application for anticipatory bail, being CRM No. 6768 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.)