

11.11.2021

CRM 6971 of 2021

**Court No. 28
Item No.40
(ALLOWED)**

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 145/2020, dated 19.11.2020 under Sections 21 (C)/22 (C)/23 (C)/27A/20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 84 of 2020).

And

In the matter of : **Khairul Mondal @ Khairul Hosen Mandal
@ Khirun Hosen Mandal & Ors.
...Petitioners**

**Mr. Avishek Prasad,
Ms. Sreetama Neogi.**

...For the Petitioners

**Mr. Bidyut Kumar Roy,
Mr. Suman De.**

...For the State.

Apprehending arrest in connection with Hili Police Station Case No. 145/2020, under Sections 21(C) / 22(C) / 23 (C)/27A/20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioners that they have been wrongly implicated in the instant case. It is further submitted that no recovery of contraband was made from the possession of the petitioners and, therefore, they are entitled to anticipatory bail.

On the other hand, the learned Advocate for the State opposes the prayer for anticipatory bail. It is admitted that no recovery was made from the petitioners of the contraband seized from the possession of other co-accused. It is further submitted that on the basis of the statements of the co-accused, the aforesaid criminal case has been initiated against the petitioners and the charge sheet has been submitted.

In view of the submissions so advanced by the respective parties and the fact that there was no recovery of contraband from the possession of the petitioners and they are only implicated on the basis of the statements of the co-accused, we find that it is a fit case

where the petitioners are entitled to get the privilege of anticipatory bail.

In the event of arrest the petitioners, **Khairul Mondal @ Khairul Hosen Mandal @ Khirun Hosen Mandal, Smile Mondal @ Smil Mondal @ Ismail Mondal @ Ismail Mandal and Ainul Mondal @ Ahinur Ali Mondal**, shall be released on bail on 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 of the concerned police station with condition that the petitioners shall make themselves available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle them to the privilege of pre-arrest bail granted by this Court without further reference to this Court and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being **CRM 6971 of 2021**, is thus **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)