

31.01.2022
Serial no.17

Aloke
Ct. No. 29

(Through Video Conference)

CRM (A) 408 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.01.2022 in connection with Hili Police Station Case No. 140 of 2020 dated 04.11.2020 under Sections 20(b)(ii)(c) of the NDPS Act .

-And-

In the matter of : **Hasanur Mondal**

... ...Petitioner

Mr. Koushik Chowdhuryi, Advocate
Ms. Busra Khatoon, Advocate

... ... For the Petitioner

Mr. Sanjay Bardhan, Advocate
Mr. Nirupham Dhali, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge-sheet. At best intermediate quantity of narcotic was seized and that too not from the possession of the petitioner. Petitioner is sought to be proceeded against on the basis of a statement of the co-accused made while in custody.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case dairy.

Considering the fact that no narcotic was recovered from the possession of the petitioner and that the petitioner is being proceeded against on the basis of this statement of the co-accused made while in custody and considering the fact that, the police filed charge-sheet, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Accordingly, we direct that in the event of arrest, the petitioner 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 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM (A) 408 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)