

2 17.02.2022  
(AD) Court No.29  
(Allowed)

**C.R.M. 1194 of 2021**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** P.S. Case No.**53 of 2014** dated **23/01/2014** under Section **21** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Manjit Kumar Majumder @ Manjil Kumar Majumdar

....petitioner.

Mr. Niladri Sekhar Ghosh  
Mr. Tapodip Gupta

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP  
Mr. Dipankar Paramanick

...for the State.

The cause-title of the order dated February 14, 2022  
“CRM 1194 of 2022” be replaced with “CRM 1194 of 2021”.

Department will incorporate this correction in the order.

Petitioner seeks anticipatory bail.

Report as called for by the order dated May 19, 2021 filed  
in Court be taken on record.

It appears from such report that the police are yet to establish any nexus between the co-accused arrested with the commercial quantity of narcotics and the petitioner. The petitioner sold his vehicle from which the narcotic was seized. However, apparently, the new owner did not register itself with the relevant authorities.

Considering the fact that no narcotic was seized from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statements of the co-accused made while in custody and

considering the fact that the petitioner can no longer be said to be the owner of the vehicle, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

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 also 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 meet the Investigating Officer as and when called for till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioner is allowed.

**C.R.M. 1194 of 2021** is disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**