

11.04.2022
Serial no. 02
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 806 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with NDPS Case No. **111 of 2021** arising out of **Kaliachak** Police Station Case No. **1175** of **2021** dated **24.10.2021** under Sections **21(c)/29/ 27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Raj Kumar Mandal @ Rajkumar Mandal**
... .. Petitioner

Mr. Avinaba Patra,
Mr. Partha Sarathi Das,
Mr. Souraja De, Advocates
... .. *For the Petitioner*

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Abhra Mukherjee,
Ms. Manisha Sharma, Advocates
... ..*For the State*

Report as called for by the order dated March 22, 2022 filed in Court be taken on record.

The report does not speak of any nexus between the petitioner and the co-accused arrested with the commercial quantity of narcotic, at this stage. Apparently the police are proceeding against the petitioner on the basis of statement of the co-accused made while in custody. No narcotic was recovered from the possession of the petitioner.

Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Accordingly, we are inclined to 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 be 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 806 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)