

CRM (A) 988 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.02.2022 in connection with Raninagar Police Station Case No. 128 of 2021 dated 18.03.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Prasenjit Mandal & Ors.**

... ..Petitioners

Mr. Tapodip Gupta, Advocate

... .. For the Petitioners

Mr. Binay Panda, Advocate

Mr. Subham Bhakat, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Report as called for by the order dated March 1, 2022 filed in Court be taken on record.

The report does not establish any nexus between the petitioners and the co-accused who was arrested with commercial quantity of narcotics.

Considering the fact that no narcotic was recovered from the possession of the petitioners and considering the fact that the petitioners are sought to be proceeded against on the basis of the statement of the co-accused made while in custody and considering the fact that police are yet to establish any nexus between the co-accused arrested with commercial quantity of narcotics and the petitioners at this stage, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 condition that the petitioners will report before the Investigating Officer once in a week till the conclusion of the investigation and on 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is allowed.

CRM (A) 988 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)