

02.03.2022

Sl. 13
Court No.29
suvayan
(Allowed)

CRM (A) 1026 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kumarganj** P.S. Case No. **240 of 2021** dated **24.10.2021** under Sections **21(c)/22(c)/23(c)** of the NDPS Act.

And

In the matter of: Bilal Hussain Mondal @ Bellal Mondal

....petitioner.

Mr. Kaushik Chaudhury

Ms. Busra Khatun

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

...for the State.

Petitioner seeks anticipatory bail.

Considering the fact that no recovery was made from the possession of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the police are unable to establish any nexus between the petitioner and the person arrested by the commercial quantity of narcotic and considering the fact that the police are proceedings against the petitioner on the basis of the statement of the co-accused made while in custody, we are of view that the petitioner is able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substance 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 appear before the jurisdictional Court and pray for regular bail within four weeks from date and on further conditions the petitioner shall appear before the court below on every date fixed for hearing.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 1026 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)