

34 08.03.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 1150 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No.**1175** dated **24/10/2021** under Sections **21(C)/29/27A** of the NDPS Act.

And

In the matter of: Indrajit Mandal & Anr.

....petitioners.

Mr. Shiba Porsad Bhattacharjee

...for the petitioners.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioners seek anticipatory bail.

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 the police are yet to establish any nexus between the petitioners and the co-accused arrested with the commercial quantity of narcotic 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 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 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 petitioners shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioners shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1150 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)