

26 05.04.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 1564 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 of 2021** dated **24/10/2021** under Sections **21(C)/29/27A** of the NDPS Act.

And

In the matter of: Mithun Mandal

....petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

Petitioner seeks anticipatory bail.

Considering the fact that no contraband was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Moreover, seven other co-accuseds were enlarged on anticipatory bail, who are standing on the same footing as that of the petitioner. 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 will report before the Investigating Officer once 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1564 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)