

CRM (A) 1708 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the NDPS Act read with Sections 27A of the Drugs and Cosmetics Act, 1940.

-And-

In the matter of: **Nilkantha Mandal**

... ...Petitioner

Mr. Kalidas Saha, Advocate

... ... For the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De, Advocate

... ... For the State

Report as called for by the order dated April 13, 2022 filed in Court be taken on record.

The report does not depict any nexus between the petitioner and the person arrested with the commercial quantity of narcotics apart from the statement of the co-accused made while in custody.

Considering the fact that no narcotic 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 overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, 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

condition that the petitioner 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 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.

CRM (A) 1708 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)