

14 22.04.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 1804 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhimpur** P.S. Case No.**178** of **2021** dated **24/06/2021** under Sections **20(b)(ii)(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sribash Mondal

....petitioner.

Mr. Sandipan Ganguly
Mr. Avirup Chatterjee

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no narcotics was recovered from the possession of the petitioner. The police submitted charge sheet and, therefore, custodial interrogation of the petitioner is not required. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State submits that the police submitted charge sheet and supplementary charge sheet. However, the ownership of the motorcycle from where the seizure was made is yet to be ascertained. He submits that the mobile phone is yet to be looked into for the purpose of calls detail recording.

At this stage, the police are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics. No narcotics was recovered from the possession of the petitioner. The police are proceeding

against the petitioner on the basis of the statement of the co-accused made while in custody. Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. We, therefore, enlarge the petitioner on anticipatory bail.

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 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) 1804 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)