

13.05.2022

Sl. 01
Court No.29
suvayan
(Allowed)

CRM (A) 1866 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. **1439 of 2021** dated **27/12/2021** under Sections **21(c)/29** of the NDPS Act, 1985 and Section 27A of the Drugs and Cosmetics Act.

And

In the matter of: Ganesh Mandal & Anr.

....petitioners.

Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Ranadeb Sengupta

...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 police are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody and considering the fact that another co-accused who was similarly placed was enlarged on anticipatory bail by the order dated April 29, 2022 in CRM(A) 1708 of 2022 (*Nilkanta Mandal vs. State of West Bengal*), we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that

the petitioners will report before the Investigating Officer once in a week till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 1866 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)