

26.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1888 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. **1175** of **2021** dated **24.10.2021** under Sections 21(c)/29/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Utpal Mandal @ Utfal Mandal

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. T. D. Nandy

Ms. Debjani Dasgupta

....for the State

Petitioner prays for anticipatory bail on the ground of parity.

Learned advocate appearing for the State does not oppose the prayer for anticipatory bail on the ground of parity.

No narcotic was seized from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of a 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.

Considering such facts and considering the fact that the petitioner stands on the same footing as that of the other co-

accused who was enlarged on anticipatory bail time to time, 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/-, 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 further condition that the petitioner shall meet 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)