

12.05.2022

Sl. 04
Court No.29
suvayan
(Allowed)

CRM (A) 1896 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. **37/2022** dated **10/01/2022** under Sections **21(c)/27A/29** of the NDPS Act, 1985.

And

In the matter of: Paresh Mandal @ Poresh Mandal

....petitioner.

Mr. Mazhar Hossain Chowdhury

...for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Report as called for by the order dated April 26, 2022 filed in Court be taken on record.

The report speaks of call details recording in respect of the date of the incident and the date of the lodgment of the First Information Report.

The police are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotic at this stage.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the police are proceeding as against the petitioner 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 Narcotic Drugs and Psychotropic Substances Act, 1985.

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 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.

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

CRM (A) 1896 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)