

11.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2122 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. **881** of **2021** dated **23.08.2021** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Bhim Mandal

..... petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Petitioner seek anticipatory bail on the ground of parity with regard to other co-accuseds, who were granted the same facility by the orders dated November 11, 2021, November 15, 2021 and January 10, 2022.

Learned advocate appearing for the State does not dispute the claim of parity.

In such circumstances, we extend the same facility to the petitioner. No recovery was made from the possession of the petitioner. The petitioner is, therefore, able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Accordingly, 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 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.)