

22.02.2022

Sl. 2
Court No.29
sourav
(Allowed)

C.R.M. 3418 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **13.04.2021** in connection with **Kaliachak** P. S. Case No. **29** of **2021** dated **07.01.2021** under Sections **20(b)/29** of the NDPS Act read with Section **27** of the Drugs and Cosmetics Act.

And

In the matter of: **Dipankar Mandal**

....petitioner.

Mr. Shiba Prasad Bhattacharya

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Petitioner seeks anticipatory bail.

The petition is taken up for consideration subsequent to the order dated February 16, 2022.

Report filed in Court on behalf of the State as called for be taken on record.

It appears from such report that the police are yet to establish any nexus between the co-accused who was arrested with the commercial quantity of narcotic and the petitioner.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that the petitioner is sought to be proceeded against 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 NDPS 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/- 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 further condition that the petitioner shall appear before the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from.

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

C.R.M. 3418 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

