

29.06.2022
Serial no.13
Aloke

CRM (A) 2331 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1258 of 2021 dated 29.10.2021 under Sections 22(c)/29 of the NDPS Act and Section 27A of the Drugs and Cosmetics Act.

-And-

In the matter of : **Santosh Mondal alias Lakai Mondal**
... .. Petitioner
Ms. Shabana Hasin, Advocate
... .. For the Petitioner
Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Report as called for by the order dated June 20, 2022 filed in Court be taken on record.

No recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police filed charge-sheet. The police at this stage are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Consequently, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. We are, therefore, inclined to 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 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 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 2331 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)