

25.07.2022
Serial no.28
Aloke

CRM (A) 3491 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No. 394 of 2021 dated 12.10.2021 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Mrinal Sk @ Minal Sk**

... .. Petitioner

Mr. Soumik Ganguli
Mr. Sourat Nandy, Advocate

... .. For the Petitioner

Mr. Binay Panda, Advocate
Mr. Subham Bhakat, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the police filed charge-sheet.

No narcotic was recovered 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. At this stage the police are unable to establish any nexus between the petitioner and the person arrested with the commercial quantity of narcotics or with the seized commercial quantity of narcotics.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are 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 condition that the petitioner shall appear on every date 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) 3491 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)