

58 28.07.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3587 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with the NDPS Case No.287/2021 arising out of **Lalgola** Police Station Case No. **825 of 2021** dated **20/12/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section **14** of the Foreigners Act.

And

In the matter of: Manirul Sk @ Monirul Islam @ Moni Sk.
....petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta
Mr. Sourav Mondal

...for the petitioner.

Mr. Suman De

...for the State.

Petitioner prays for anticipatory bail.

The claim for parity with the other co-accused who was granted anticipatory bail by the order dated July 4, 2022 passed in CRM (A) 3129 of 2022 is not disputed on behalf of the State.

No narcotics was recovered from the possession of the petitioner. The police are unable to establish any nexus between the petitioner and the seized quantity of narcotics or the person arrested with the commercial quantity of narcotics. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. The police filed charge sheet.

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 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3587 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)