

02.08.2022
Serial no.31
Aloke

CRM (A) 3674 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Jiaganj Police Station Case No. 89 of 2022 dated 21.04.2022 under Sections 20(c)/29 of the NDPS Act.

-And-

In the matter of : **Jatan Mondal @ Jopen Mondal**

... .. Petitioner

Mr. Jisan Iquabal Hossain, Advocate

Mr. F. Rahaman, Advocate

... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that 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.

Learned Advocate appearing for the State submits that there are statements of neighbours recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner.

No narcotic was recovered from the possession of the petitioner. The police are primarily proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. The case diary contains statement of the neighbours claiming that the petitioner is engaged in the business of narcotics. There is no other material to substantiate the claim that the petitioner is engaged in such business.

In such circumstances, we are of the view that the petitioner is able to rebut the presumptions 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 meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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) 3674 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)