

14 16.08.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 3881 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalichak** Police Station Case No. **1439 of 2021** dated **27/12/2021** under Sections **21(c)/29** of the Narcotics Drugs and Psychotropic Substances Act, 1985 read with Section **27A** of the Drugs and Cosmetics Act, 1940 arising out of GDE No-900/2021 and GDE 904/2021 and MCC No.997/2021.

And

In the matter of: Biplab Mandal

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

Petitioner prays for anticipatory bail.

The claim for parity with the order co-accused who was granted anticipatory bail by the order dated April 29, 2022 passed in CRM (A) 1708 of 2022 is not being disputed on behalf of the State.

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. The petitioner is, therefore, able to rebut the presumptions under Section 37 of the NDPS Act, 1985. The police filed charge sheet. 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) 3881 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)