

10.01.2022

Court No.32
rpan / **04**

CRM 7809 of 2021

[through Video Conferencing]

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Ajoy Mandal**

- Petitioner

Mr. Amitabha Karmakar,

Mr. Arup Kumar Bhowmick

... for the Petitioner.

Mr. T. Nandy,

Mr. Antarikhya Basu

... for the State.

Apprehending arrest in connection with Kaliachak Police Station Case No.881 of 2021 dated 23.08.2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

Heard the learned advocates appearing for the respective parties.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of the co-accused statement. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted. It further appears that co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail by the coordinate Benches of this Court. As such, custodial interrogation of the petitioner is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Ajoy Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/- with two

sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7809 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)