

04.01.2022

Sl.No. 274

Ct.No. 32

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7839 of 2021

Re: An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure, 1973.

Allowed

In the matter of : Bilal @ Bellal Mondal

..... Petitioner

Mr. Kaushik Chowdhury

...for the Petitioner

Mr. Madhusudan Sur

Mr. Dipankar Paramanick

...for the State

Apprehending arrest in connection with
Gangarampur Police Station Case No. 470 of 2019 dated
21.12.2019 under Sections 27(a)(b) of the Drugs and
Cosmetics Act, 1940 read with Section 14 (A)(b) of the
Foreigners Act, the petitioner has filed the present
application.

Heard the learned advocates appearing for the
respective parties and considered the materials in the case
diary.

It appears that the ingredients of Section 14 (A)(b) of
the Foreigners Act are not attracted against the petitioner. It

further 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 co-accused's statement. In view thereof, we are of the opinion that the rigors of Section 37 of the NDPS Act are not attracted and as such, custodial interrogation is not warranted.

Accordingly, we allow this application for anticipatory bail and direct that in the event of arrest the petitioner, namely, **Bilal @ Bellal Mondal** 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, subject 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 not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM 7839 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.)