

25.01.2022
Item no. 21
Court No.32
Avijit Mitra

C.R.M. 8762 of 2021 (Through Video Conferencing)

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

And

In Re : Sahid Mondal alias Laltu Mondal

.... petitioner

Mr. Angshuman Chakraborty

....for the petitioner

Mr. Binay Panda,

Ms. Puspita Saha

..... for the State

Apprehending arrest in connection with Bongaon Police Station Case No.533 of 2020 dated 19.09.2020 under Section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has no antecedent. There had been no recovery of contraband substance from his possession and his name has transpired on the basis of co-accused's statement.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Answering a query of this Court, she submits that the petitioner has no antecedent.

As there had been no recovery of contraband substance above commercial quantity from the possession of the petitioner and as his name has transpired on the basis of co-accused's statement, we are of the opinion that the rigors of Section 37 of

the N.D.P.S. Act is not attracted. In view thereof, custodial interrogation of the petitioner is not necessary more so when, the petitioner has no antecedent and as upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Sahid Mondal alias Laltu Mondal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.8762 of 2021 is allowed.

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

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)

