

10.02.2022

Court No.32
rpan / **201**

CRM 8839 of 2021

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

And

In Re : **Bipin Mandal & 2 Others**

- Petitioners

Mr. Amitabha Karmakar,

Mr. Arup Kumar Bhowmick

... for the Petitioners.

Mr. Ranadeb Sengupta

... for the State.

Apprehending arrest in connection with Kaliachak Police Station Case No.1175 of 2021 dated 24.10.2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

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

It appears that there had been no recovery of contraband substance above commercial quantity from the possession of the petitioners herein and that their names have transpired on the basis of the co-accused statements. In view thereof, statutory restrictions are not attracted. Other co-accused persons, similarly situated with the petitioners, had already been granted anticipatory bail by a coordinate Bench of this Court. In the said conspectus, we are of the opinion that custodial interrogation of the petitioners is not necessary. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bipin Mandal, Rathin Mandal @ Rathindra Nath Mandal** and **Jayanta Mandal** shall be released on bail upon

furnishing a bond of Rs.10,000/- each 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 with a further condition that they shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioners 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 petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8839 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.)