

41 07.09.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 4315 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1158 of 2021** dated **21/10/2021** under Section **27A** of the Drugs and Cosmetics Act and added Sections **21(C)/29** of the NDPS Act.

And

In the matter of: **Jayanta Mandal**

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for anticipatory bail.

The claim for party with the other co-accused who was enlarged on anticipatory bail by the order dated August 30, 2022 passed in CRM (A) 4146 of 2022 is not being disputed on behalf of the State.

No narcotics were recovered from the possession of the petitioner. The petitioner is being proceeded against on the basis of the statement of the co-accused made while in custody.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985. 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) 4315 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)