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(AD) 30.11.2022

**C.R.M. (A) 5575 of 2022**

Court No.29  
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No.**79 of 2022** dated **15/03/2022** under Section **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Altan Sk @ Altan @ Mondal**

....petitioner.

Mr. Sumanta Das

...for the petitioner.

Mr. Sudip Ghosh  
Mr. Bitasok Banerji

...for the State.

Petitioner prays for anticipatory bail.

The police filed charge sheet.

The claim for parity with other co-accuseds who were enlarged on anticipatory bail by the orders dated August 17, 2022 passed in CRM (A) 3832 of 2022 and November 10, 2022 passed in CRM (A) 5136 of 2022 are not being disputed on behalf of the State.

No narcotic was recovered from the possession of the petitioner.

The police are proceeding against the petitioner 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) 5575 of 2022** is disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**