

08.12.2022
Serial no.11
Court 29
AB

CRM (A) 5601 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No.44 of 2021 under Section 21(c)/28/29/8(c) of the NDPS Act

-And-

In the matter of : **Indrajit Mandal @ Bapi Mandal**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Sourav Paul

... .. For the Petitioner

Mr. Kallol Mondal,
Mr. Tirthapati Acharyya

... ...For the UOI

The petitioner complied with the order dated December 1, 2022 and reported before the Investigating Officer.

The Narcotic Control Bureau, at this stage, are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotic substance and/or the seized narcotic. Narcotic Control Bureau apparently are proceeding against the petitioner on the basis of the statement of co-accused made while in custody.

In such circumstances, the petitioner is able to overcome the statutory restriction 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 be subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once in a week till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5601 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)