

20.12.2022
Serial no. 13
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5886 of 2022

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 Sections **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Asadul Mandal @ Babu Mondal**
... .. Petitioner

Ms. Mallika Manna, Advocate
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... ..For the State

The police filed charge sheet.

The police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

The co-accused who are similarly situate as that of the petitioner was enlarged on anticipatory bail on August 17, 2022 passed in CRM (A) 3832 of 2022 as also on November 10, 2022 passed in CRM (A) 5136 of 2022.

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 are inclined to 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 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) 5886 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)