

18.01.2023
Serial no. 08
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 93 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **240** of **2022** dated **27th September, 2022** under Sections **20(b)/29** of the NDPS Act, 1985.

-And-

In the matter of : **Sujay Mondal**

... .. Petitioner

Mr. Amanul Islam,
Mr. Sourav Mukherjee, Advocates
... .. *For the Petitioner*

Mr. Sudip Ghosh,
Mr. Bitasok Banerji, Advocates
... .. *For the State*

Report as called for by the order dated January 10, 2023 filed in Court be taken on record.

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 police are proceeding on the basis of the statement of the co-accused made while in custody.

In such circumstances, 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 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) 93 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)