

13.03.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 405 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **NDPS Case No.TR-12/2022** arising out of NCB Kolkata Zonal Unit Crime No.10/NCB/KOL/2022 under Sections 8(c) punishable under Sections 20(b)(ii) (C)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Mantu Seikh @ Seikh Mantu

..... petitioner

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit

....for the petitioner

Mr. Kallol Basu,
Mr. Tirthapati Acharyya

....for the NCB

Petition is taken up for consideration subsequent to the order dated February 1, 2023.

Learned advocate appearing for the Narcotics Control Bureau (NCB) submits that NCB has submitted a chargesheet before the jurisdictional court on conclusion of the investigation.

Petitioner is a person who was supposed to receive the consignment of the commercial quantity of Narcotics seized.

Apparently, NCB are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

At this stage, NCB are unable to demonstrate a nexus between the persons arrested with the commercial quantity of Narcotics and seized quantity of narcotics apart from the statement of the co-accused made while in custody.

In such circumstances, we are of the view that 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 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

