

10.02.2023

Sl.5

Court No.29

(AD)

(Allowed)

C.R.M. (A) 575 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No.**238 of 2022** dated **25.07.2022** under Section **21(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Bidwyan Mahato @ Niren Mahato @ Bidwan**
....petitioner.

Mr. Atis Kumar Biswas

Ms. Jyoti Agarwal

...for the petitioner.

Mr. Binay Panda

Mr. Subham Bhakat

...for the State.

Petitioner prays for anticipatory bail.

The police filed charge sheet.

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

Apparently, 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) 575 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)