

17.02.2023

Sl.4

Court No.29

(AD)

(Allowed)

C.R.M. (A) 664 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No.146 of 2022 arising out of **NCB Crime No.16/NCB/KOL/2022** under Sections **8(c) r/w 21(c) & 29** of the NDPS Act, 1985.

And

In the matter of: **Asish @ Asidul Mondal**

....petitioner.

Mr. Arnab Chatterjee

...for the petitioner.

Mr. Dipankar Dandapath

...for the NCB.

Petitioner prays for anticipatory bail.

Police filed charge sheet.

At this stage, the Narcotics Control Bureau is unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Narcotics Control Bureau is 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) 664 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)