

**28.03.2023**

**Serial no.03**

Dd  
(allowed)

**CRM (A) 758 of 2023**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with G.R. Case no. 1834 of 2022 arising out of **Balurghat GRPS** Police Station Case No. **01** of **2022** dated **17.09.2022** under Sections **21C/22C/23C** of the NDPS Act, 1985 read with Section **137** of the Railways Act, 1989 and subsequently charge sheet submitted under Sections 21C/22C/23C of the NDPS Act, 1985 read with Section 137 of the Railways Act, 1989.

-And-

**In the matter of : Alaluddin Mandal**

... ..Petitioner

*Ms. Jeenia Rudra,  
Ms. Megha Chanda, Advocates  
... .. For the Petitioner*

*Mr. Samrat Sen, Id. Assit. Addl. AG  
Mr. Saswata Gopal Mukherjee, Id. PP  
Mr. Rudradipta Nandy, Id. APP  
Mr. T. D. Nandy,  
Mr. Antarikhya Basu, Advocates  
... ..For the State*

Report submitted on behalf of the State be taken on record.

The Court is informed that the High Court administration allotted space and that requisite steps would be taken in this regard.

The Court is also informed that NIC authorities provided the State with the detailed project report.

It is submitted on behalf of the State that the detailed project report is required to be assessed by the Public Works Department (Information Technology) and the Finance Department.

It is expected that the appropriate authorities dispose of the request as expeditiously as possible.

It is expected that the entire system is made operational within a fortnight from date.

All stake holders are requested to cooperate in order to facilitate the implication of the project within the time framed as delineated above.

So far as the merits of the matter is concerned, there is no adverse report as against the petitioner. Police are proceeding against the petitioner on the basis of the statement made by a co-accused while in custody. 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. Petitioner is, therefore, able to overcome the restrictions under Sections 37 of the NDPS Act, 1985.

In such circumstances, the interim protection granted in favour of the petitioner is confirmed.

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 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) 758 of 2023** is **disposed of**.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**