

13.03.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 757 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogolberia** Police Station Case No.**17 of 2023** dated **24.1.2023** under Sections **20(b)/22/29** of Narcotics Drugs and Psychotropic Substances Act and under Section **14(A)** of the Foreigners Act.

And

In the matter of: Raghab Mondal

..... petitioner

Mrs. Karabi Roy

....for the petitioner

Mr. Saryati Datta

....for the State

Report as called for by the order dated February 20, 2023
filed in Court be taken on record.

It appears from the report that the person arrested with the commercial quantity of narcotics called up a phone number claimed to be used by the petitioner. However, police at this stage are unable to demonstrate any nexus between phone number which the arrested person called up, belongs to the petitioner or not.

The police apparently are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. Police are unable to demonstrate any nexus in

between the petitioner and the person arrested with commercial quantity of narcotics at this stage.

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 further condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

