

15.03.2023

04

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 852 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **16** of **2023** dated **08.01.2023** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Debasish Mandal @ Debashis Mandal & Anr.

..... petitioners

Mr. Kalidas Saha

....for the petitioners

Mr. T. D. Nandy

Mr. A. Basu

....for the State

Report as called for by the order dated February 28, 2023 filed in Court be taken on record.

At this stage, the police are proceeding against the petitioners on the basis of the statement of the co-accused made while in custody.

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

In such circumstances, we are of the view that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners shall meet the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioners 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 petitioners 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.)