

06.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1462 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No. **129** of **2022** dated **05.07.2022** under Sections **27/27A/28/28A/28B** of the Drugs and Cosmetics Act and charge sheet submitted being Charge sheet No.12 of 2023 dated 14.02.2023 under Sections 27/27A/28/28A/28B of the Drugs and Cosmetic Act adding Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Rasel Mondal @ Rasel Pramanik
..... petitioner

Mr. Kaushik Choudhury,m
Ms. Busra Khatun
....for the petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty
....for the State

Police filed charge-sheet.

No recovery was made from the possession of the petitioner.

Police apparently are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

The principal accused was granted statutory bail.

In such circumstances, we are of the view that the petitioner is able to overcome 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/-, 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 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.)