

03.05.2023

Serial no. 18

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1876 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **590** of **2016** dated **25.11.2016** under Sections **22/25/27** of the NDPS Act, 1985 (corresponding to Special Case no. 33 of 2018)*

-And-

In the matter of : **Himangshu Mondal**

... .. Petitioner

Mr. Kaushik Chowdhury,

Ms. Busra Khatoon, Advocates

... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Arijit Ganguli,

Mr. Arani Bhattacharya, Advocates

... ..For the State

Petitioner was not named in the first information report. Police filed an initial charge sheet in which the petitioner was not named. Subsequently, the petitioner was named in the supplementary charge sheet. The supplementary charge sheet was filed in 2023.

In such circumstances, we are of the view that the applicability of Section 37 of the NDPS Act, 1985 stands diluted so far as the petitioner is concerned.

In such circumstances, we are inclined to 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 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) 1876 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)