

19.06.2023
Sl. 152
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2112 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Seizure Case No. **02/NDPS/CL/CUS/BCPU/2020-21** dated **12.02.2021** under Sections **20(b)(ii)(C)/29** of the NDPS Act (corresponding to NDPS Special Case No. **29** of **2021**).

And

In the matter of: **Prasanta Dey**

....petitioner.

Mr. Ali Ahsan Alamgir
Mr. Soumyajit Das Mahapatra
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

...for the petitioner.

Mr. Sagar Saha

...for the Union of India.

Ms. Rajashree Venket Kundalia
Mr. Tapan Bhanja

... for the Customs Authority.

1. Heard learned Counsel for the parties.
2. 35kgs. of contraband ganja is alleged to have been seized from one Lalchand Sk., charge-sheeted co-accused person and the present petitioner has been implicated on the basis of the statement of co-accused, namely, Asraful Sk.
3. One Pinaki Mitra who is stated to be on same footing with the petitioner has already been released on anticipatory bail by order dated 17.05.2022 passed in CRM (A) 2039 of 2022 by a co-ordinate Bench of this Court.
4. Learned Counsel for the petitioner submits that there is no record of past criminal antecedent against the petitioner.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, non-recovery of any contraband ganja from his possession, submission of charge-

sheet in the meantime, it is directed that the petitioner shall appear before the learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad, in connection with NDPS Seizure Case No. 02/NDPS/CL/CUS/BCPU/2020-21 dated 12.02.2021 corresponding to NDPS Special Case No. 29 of 2021 within 15 days from today. On his appearance and application for bail he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that i) the petitioner shall appear on each date of substantive hearing during the trial subject to provision of Section 317 Cr.P.C.; ii) he shall not leave the jurisdiction of the trial court without obtaining prior leave of the Court.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2112 of 2023** is disposed of.
8. Learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad is directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

