

03.10.2023

SL. 12

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2632 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baishnabnagar** P.S. Case No. **185 of 2023** dated **23.03.2023** under Sections **21(c)/29** of the NDPS Act corresponding to NDPS Case No. 47 of 2023 pending before the learned Special Judge, 4th Court (NDPS Act), Malda.

And

In the matter of: **Ashok Mandal**

....petitioner.

Mr. Mazahar Hossain Chowdhury

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

...for the State.

1. Heard learned Counsel for both the parties.
2. It is fairly submitted at the Bar that charge-sheet have been filed.
No contraband has been seized from the present petitioner and the basis of implication of the present petitioner is the statement of the co-accused.
3. It is further submitted at the Bar that though there are three records of past criminal antecedent against the petitioner, none of the said case is under NDPS Act.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Special Judge, 4th Court (NDPS Court), Malda within 15 days from today in the NDPS Case No. 47 of 2023 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner 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 before the learned Trial Court on each date of substantive hearing subject to

the provision of Section 317 Cr.P.C.

5. The learned Special Judge, 4th Court (NDPS Court), Malda is directed to act upon the server copy of this order, if required.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2632 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

