

12.09.2023

SL. 12

Court No. 29

Suvayan

(Partly Allowed)

C.R.M. (A) 3320 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Patiram** P.S. Case No. **186 of 2022** dated **23.09.2022** under Sections **21(c)/22(c)/23(c)/27A** of the NDPS Act corresponding to Special Case No. **80 of 2022** pending before the learned Judge, Special Court (NDPS Act), Dakshin Dinajpur, Balurghat.

And

In the matter of: **Mahabur Rahaman Mondal @ Mahabur Mandal & Anr.**

....petitioners.

Mr. Kaushik Chaudhury

Mr. Busra Khatun

...for the petitioners.

Mr. Saryati Datta

...for the State.

1. Heard learned Counsel for both the parties.
2. Learned Counsel for the petitioners does not want to press this petition for anticipatory bail on the ground that the petitioner No. 1, Mahabur Rahaman Mondal @ Mahabur Mandal has already been arrested.
3. Accordingly, this petition in respect of petitioner No. 1, Mahabur Rahaman Mondal @ Mahabur Mandal is dismissed as not pressed.
4. So far as petitioner No. 2, Enamul Mondal @ Anamul Mondal @ Anamul Haque Mandal is concerned it is fairly submitted at the Bar that the basis of implication of petitioner No. 2 is the statement of co-accused and nothing has been seized from his possession.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioner No. 2, Enamul Mondal @ Anamul Mondal @ Anamul Haque Mandal, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner No. 2, Enamul Mondal @ Anamul Mondal @ Anamul Haque Mandal shall surrender before the learned Judge, Special

Court (NDPS Act), Dakshin Dinajpur, Balurghat within 15 days from today in the Special Case No. 80 of 2022 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner No. 2 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 No. 2, Enamul Mondal @ Anamul Mondal @ Anamul Haque Mandal shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 Cr.P.C.

6. The learned Judge, Special Court (NDPS Act), Dakshin Dinajpur, Balurghat is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is partly allowed.
8. The application being **CRM (A) 3320 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

