

29.08.2023

SL. 70

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3447 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dalkhola** P.S. Case No. **25 of 2022** dated **18.01.2022** under Sections **21(c)/29** of the NDPS Act pending before the learned Special Judge (NDPS Court), Raiganj, Uttar Dinajpur.

And

In the matter of: **Mahanta Mallick**

....petitioner.

Mr. Amit Roy

...for the petitioner.

Mr. Soumik Ganguly

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for both the parties.
2. Charge-sheet is stated to have been filed.
3. The basis of implication of the present petitioner is stated to be the statement of the co-accused. It is fairly submitted at the Bar that nothing was seized from the conscious possession of the present petitioner and there is no record of past criminal antecedent against the petitioner.
4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Special Judge (NDPS Court), Raiganj, Uttar Dinajpur within 15 days from today in the Spl. case 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.
5. The learned Special Judge (NDPS Court) 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) 3447 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

