

19.09.2023
ML. 164
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3771 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **264** of **2023** dated **06.03.2023** under Sections **21(C)/27A/29** of the NDPS Act.

And

In the matter of: **Ramesh Mandal**

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Saryati Datta

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the owner of the brinjal field where 1500 bottles of phensedyl were hidden by the co-accused persons. Three persons were stated to be guarding the brinjal field. There is no material to show that those three persons were employed by the present petitioner. The basis of implication of the present petitioner is the statement of the witnesses to the effect that the brinjal field belongs to the present petitioner.
3. From such fact alone, knowledge of the petitioner regarding hiding of the contraband in his brinjal field cannot be presumed at this stage.
4. Learned Counsel for the State submits that there is record of one criminal antecedent against the petitioner but that is under Section 302 IPC. It is fairly submitted that there is no record of past criminal antecedent of similar nature against the petitioner.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case 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 is directed to appear before the I.O. twice in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.
6. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3771 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

