

25.09.2023
ML. 285
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3893 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **138** of **2023** dated **13.08.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Kalu Mondal @ Sarajamal Ali @ Sarjamal Ali**
....petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatun
Mr. Gaurhari Das

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

1. Heard learned Counsel for the parties.
2. The basis of the implication of the present accused petitioner is the statement of some witnesses who have stated before the I.O. that they have knowledge that the present petitioner is involved in a business which attracts NDPS Act.
3. Such being the position, we are of the view that the present petitioner is successful in overcoming the restriction under Section 37 of the NDPS Act.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 conditions 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.
5. 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.
 6. Accordingly, the prayer for anticipatory bail is allowed.
 7. The application being **CRM (A) 3893 of 2023** is disposed of.
 8. 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.)

