

04.10.2023

SL. 32

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4027 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **762** of **2022** dated **30.12.2022** under Sections **21(c)/29** of the NDPS Act (corresponding to NDPS Case No. 05 of 2023).

And

In the matter of: **Rubel Mondal @ Sakiul Mondal @ Safiul Islam & Ors.**

....petitioners.

Mr. Tapodip Gupta

Mr. Suman Bhanja

...for the petitioners.

Mr. Ranadeb Sengupta

... for the State.

1. Heard learned Counsel for the parties.
2. At the very outset, learned Counsel for the petitioners submits before this Court that he intends to not press the instant application for anticipatory bail in respect of petitioner no. 3 (Selim Sk.).
3. In view of such submission, prayer for anticipatory bail of petitioner no. 3 (Selim Sk.) stands hereby dismissed as 'not pressed'.
4. It is submitted further on behalf of the petitioners that present petitioner nos. 1 and 2 are no way connected with the alleged crime and their names have been transpired from the statements of the co-accused persons.
5. Learned Counsel for the State though opposes the prayer for anticipatory bail of the petitioner nos. 1 and 2 but from the materials as available in the CD, we find sufficient

justification in the submission of the learned Counsel for the petitioner nos. 1 and 2 i.e., with regard to the implication of the present accused petitioner no. 1 (Rubel Mondal @ Sakiul Mondal @ Safiul Islam) and petitioner no. 2 (Bhupen Mondal) since their names transpire from the statement of the co-accused persons who have been apprehended with 15,000 bottles of phensedyl.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence and completion of investigation, it is directed that petitioner no. 1 (Rubel Mondal @ Sakiul Mondal @ Safiul Islam) and petitioner no. 2 (Bhupen Mondal) shall surrender before the learned Judge, Special Court (NDPS), Berhampore, Murshidabad in NDPS Case No. 05 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they 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 petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. with a further condition, the present petitioner nos. 1 and 2 shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4027 of 2023** is disposed of.

9. Learned Judge, Special Court (NDPS), Berhampore, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

