

22.11.2023
SL. 57
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4490 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed 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 NDPS Act.

And

In the matter of: **Jahangir Mondal**

....petitioner.

Ms. Busra Khatoon

...for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

1. Heard learned Advocate for both the parties.
2. It is fairly submitted at Bar that no contraband was seized from the conscious possession of the present accused petitioner and the basis of implication of the present accused petitioner is the statement of a co-accused.
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 such facts and submissions, 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 by the Arresting Officer in the event of his arrest 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. once in a week on the day and time fixed by the I.O. for the purpose of investigation till

submission of F.F.

- ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

- 5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
- 7. Accordingly, the prayer for the anticipatory bail is allowed.
- 8. The application being **CRM (A) 4490 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

