

10.10.2023
tkm/ct 28
spl no. 16

C.R.M. (A) 4669 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalangi P.S case no. 91 of 2023 dated 28.3.2023 under sections 21(c)/29 of the NDPS Act
And

Allowed

In Re : Faruk Mondal @ Faruk Ahammed petitioner

Mr. K Mondal

..... for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kr. Mitra

..... for the State

1. Learned lawyer for the petitioner submits no narcotics was recovered from his possession. He prays for anticipatory bail.
2. Learned lawyer for the State submits CDRs show communication between the parties and co-accused from whom narcotic was recovered.
3. We have considered the materials on record. Apart from telephonic conversation showing communication between the petitioner and co-accused from whom narcotic was recovered no other materials to show his complicity in the crime is placed on record. Investigation is complete.
4. In view of the scanty materials on record we are of the opinion petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be granted anticipatory bail.
5. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as

laid down under section 438(2) of the Code of Criminal Procedure, 1973.

6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 4669 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)