

05.01.2023

Sl.4

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5979 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No.**345 of 2022** dated **13.06.2022** under Sections **21(C)/22(C)/23(C)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Special Case No.47 of 2022).

And

In the matter of: **Sekendar Mondal**

....petitioner.

Mr. Koushik Chowdhury

Ms. Busra Khatoon

...for the petitioner.

Mr. Sanjay Bardhan

Mr. Suman Saha

...for the State.

Petitioner prays for anticipatory bail.

Report submitted in Court be taken on record.

The police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or the seized commercial quantity of narcotics.

The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody.

In such circumstances, we are of the view that the petitioner is able to rebut the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of

the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5979 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)