

D/L 221
February 2, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 791 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Sitalkuchi Police Station Case No. 460 of 2021 dated 15.11.2021 under Sections 29/20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rabindra Nath Mandal @ Rabindra Nath Manbal

.... petitioner

Mr. Sabir Ahmed,
Mr. H. S. Podder

... for the petitioner

Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner submits that there has been no recovery of the contraband article from the petitioner. Moreover, a co-accused on a more serious footing is at present in custody. It is further submitted that the charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, in view of the mitigating circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 791 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall

satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

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, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Cooch Behar. The petitioner shall not leave the territorial jurisdiction of the local police station during the entire period of trial and shall attend the trial court in the event the petitioner's attendance is necessary in trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)