

11.01.2024
Item No.54(D.L.)
Ct.No.29
srn/dc.
Allowed

C.R.M. (A) 52 of 2024

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. 124 of 2023 dated 24.07.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : **Mursait Mondal @ Mursid Mandal** ... Petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatun
... For the Petitioner.

Mr. Ranadeb Sengupta
... For the State.

Petitioner prays for anticipatory bail.

No recovery was made from the possession of the petitioner.

Name of the petitioner transpires from the statement of the principal accused who was arrested for commercial quantity of narcotics. There is one other criminal antecedent as against the petitioner, where it is stated that the petitioner fled away from the spot when a raid was conducted in respect of narcotics.

Since police are unable to demonstrate any nexus between the petitioner and the seized commercial quantity of narcotics or the accused herein, we are of the view that the petitioner is able to overcome the restrictions 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 52 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)