

20.02.2024

31
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 425 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **72 of 2023** dated **07.04.2023** under Sections **21(c)/22(c)/23(c)/27A** of the N.D.P.S. Act.

And

In Re : **Chhoton Mandal @ Chhoton Mondal**

..... petitioner

Ms. Busra Khatoon

...for the petitioner

Mr. Saibal Bapuli

Ms. Mausumi Sarkar

...for the State

Report as called for by the order dated February 13, 2024 filed in Court be taken on record.

Report does not demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or with the seized commercial quantity of narcotics.

Apparently police are proceeding on the basis of a statement of a co-accused made while in custody.

In such circumstances, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the N.D.P.S. 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/-, 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. The petitioner shall report before the Investigating Officer once a month till the conclusion of the investigation. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)