

01.03.2024
02
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 718 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No. **190 of 2023** dated **13.09.2023** under Sections **21(c)/22(c)/23(c)/27A** of the N.D.P.S. Act.

And

In Re : **Soumik Mondal @ Somik Mondal**

..... petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

...for the petitioner

Mr. Arijit Ganguli

Ms. Baishakhi Chatterjee

...for the State

Police filed a charge sheet.

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

Police at this stage is unable to demonstrate any other nexus between the petitioner and the seized commercial quantity of narcotics and/or the arrested co-accused.

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 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.)