

C.R.M. (A) 741 of 2024

04.03.2024
ML-8
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No.**187 of 2022** dated **25.09.2022** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985. (Special Case No.79 of 2022)
And

In the matter of: **Saddam Mondal**

....petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioner.

Ms. Faria Hossain
Mr. Pinak Kumar Mitra

... for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that an accused was granted anticipatory bail by the Coordinate Bench on August 4, 2023 passed in CRM (A) 2864 of 2023 and that, the petitioner stands on the same footing as that of the other co-accused.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. She submits that three persons were named by co-villagers as involved in the trade of narcotics. Out of the three persons, prayer for anticipatory bail of one of them being Nurna Bibi @ Nunna Bibi was rejected by this Bench on November 24, 2022 passed in CRM (A) 5426 of 2022. Thereafter, the Coordinate Bench granted anticipatory bail to another co-accused, namely, Babul Mondal @ Babul Mandal on August 4, 2023 in CRM (A) 2864 of 2023. She submits that charge sheet was submitted on April 12, 2023.

It is pointed out on behalf of the petitioner that the quantity of narcotics seized is below commercial quantity. In fact, the seized

quantity is 392 Yaba tablets.

We find that, when we rejected the prayer for anticipatory bail on November 24, 2022, the charge sheet was not submitted. Subsequently, the Coordinate Bench granted anticipatory bail to one co-accused at a point of time when police completed the investigation and submitted charge sheet.

In such circumstances, since the petitioner before us is standing on such footing as that of the co-accused was granted anticipatory bail subsequent to filing of the charge sheet, we extend the same facility to the petitioner herein.

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 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 prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 741 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)