

21.03.2024
Item No.19
Ct. No. 29
CHC
Allowed

C.R.M.(A) 991 of 2024

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 Narcotic Drugs and Psychotropic Substances Act, 1985, pending **in the Court of the Additional District and Sessions Judge, 3rd Court, Special Judge under NDPS Act, Dakshin Dinajpur at Balurghat.**

And

In the matter of : Amirul Mandal @ Aminul Mondal

..... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatun

....for the petitioner

Mrs. Mamata Jana

....for the State

Claim for parity with other co-accused who was granted anticipatory bail by the order dated February 20, 2024 passed in C.R.M.(A) 425 of 2024 is not being denied on behalf of the State.

No recovery was made from the possession of the petitioner. Petitioner is being proceeded against on the basis of the statement of the co-accused made while in custody. Police at this stage are unable to demonstrate any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and/or seized commercial quantity of narcotics.

In such circumstances, we are of the view that, 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 be 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 in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 991 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)