

18.04.2024
DL-15
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1137 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No.**266 of 2023** dated **10.09.2023** under Section **21(C)** of the NDPS Act, now pending before the learned Judge, Special Court, NDPS Act, Krishnagar, Nadia. (NDPS Case No.65 of 2023)

And

In the matter of: **Ilai Mondal**

....petitioner

Mr. Asraf Mondal
Ms. Sanjana Saha

...for the petitioner.

Mr. Imran Ali
Mr. Santanu Talukdar

... for the State.

1. Police filed charge sheet.
2. Apparently, the police are proceeding on the basis of the statement of the co-accused made while in custody. There are two statements claimed to be independent witnesses implicating the petitioner in the narcotics.
3. We perused those two statements. Those two persons are not eye-witnesses to the incident of seizure. They also do not claim that they saw the petitioner during the seizure made in the present police case or with narcotics.
4. In such circumstances, 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.
5. 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.

6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) 1137 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)