

20.05.2024
Item No.41
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1694 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **238** of **2023** dated **22.04.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985, pending in the Court of the Learned Additional District and Sessions Judge, 3rd Court, Special Judge under NDPS Act, Dakshin Dinajpur at Balurghat.
And

In the matter of : Afjal Mondal @ Dilip Mondal @ Dollu Mondal
..... petitioner

Mr. Kaushik Choudhury,
Ms. Busra Khatoon
....for the petitioner

Ms. Faria Hossain, Ld. A.P.P.
Ms. Srilekha Chatterjee
....for the State

Leave granted to the learned advocate for the petitioner to correct the cause-title.

Police filed charge-sheet.

At this stage, police is 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 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) 1694 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)