

24.06.2024
SL No.23
Court No.29
TN
(Allowed)

CRM (A) 1941 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Patiram Police Station Case No.24 of 2023 dated 11.02.2023 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

And

In the matter of : **Saleman Ali Mandal @ Doctor.**

- petitioner.

Ms. Busra Khatoon

....for the petitioner.

Mr. Imran Ali,
Mr. Mainak Gupta

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated on the basis of the statement of a co-accused.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail fairly submits that the basis of implication of the present petitioner is the statement of the co-accused. It is further submitted that earlier he was apprehended and charge-sheet has been filed against the petitioner as one of the co-accused involving in the narcotic substance.
3. In view of the fact that the name of the petitioner transpired on the basis of the statement of the co-accused person which is inadmissible in evidence and having regard to the fact that another co-accused person similarly placed as that of the petitioner was granted anticipatory bail by a coordinate Bench on 12th October, 2023 in CRM (A) 4150 of 2023, we are inclined to grant anticipatory bail to the petitioner.

4. It is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the NDPS Case No. 17 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:
 - i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the IO during investigation.
5. Accordingly, the prayer for anticipatory bail is allowed.
6. Within one week from today the petitioner is directed to appear before the IO along with a server copy or certified copy of this order.
7. Accordingly, the application for anticipatory bail is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)