

18.07.2024

Court No.29

Item No. 35

Allowed

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CRM (A) 2420 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 636 of 2023 dated 11.12.2023 corresponding to NDPS Case No. 88 of 2023 under Section 20(b)(ii)(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Netai Singh**

Petitioner

Mr. Souvik Mittar

Md. Zeeshan Uddin

Ms. A Khatoon

For the Petitioner

Mr. Shekhar Barman

For the State

1. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. His name transpired from the custodial interrogation of co-accused persons. It is submitted that earlier similar allegation has been made against the petitioner when he was enlarged on bail by the jurisdictional Court after recording that no narcotic substance was recovered from the possession of the petitioner.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner is standing on the same footing as that of Masadul Hossain Mandal, whose application for anticipatory bail was rejected by a coordinate bench in CRM (A) 1376 of 2024 on 19th July, 2024. However, on specific query put to the learned counsel for the State that whether the petitioner has any criminal antecedent or any evidence of CDR showing telephonic conversation between the petitioner and other co-accused in custody with regard to the commercial quantity or there is an independent witness implicating the petitioner. Learned counsel for

the State has fairly submitted that nothing has been recovered from the custody of the petitioner and the petitioner does not stand on the same footing as that of Masadul Hossain Mandal and the charge-sheet has already been filed.

3. The petitioner is able to revert the statutory restriction under Section 37 of the NDPS Act.
4. In view of the above, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Netai Singh** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned District and Sessions Judge, Special Court, under NDPS Act, Krishnanagar, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

