

12.08.2024  
Court No.29  
Item No. 35

Allowed

sg

### CRM (A) 2748 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Malda Police Station Case No. 492 of 2024 dated 14.07.2024 under Sections 20(b) (ii) (B) of the NDPS Act, pending before the learned Judge, Special Court, 4<sup>th</sup> Court, Malda.

And

In Re: **Gopal Chandra Das & Anr.**

Petitioners

Mr. Sujoy Sarkar  
Mr. Musharraf Alam Sk  
Mr. Rahul Chachan

For the Petitioner

Mr. Monoranjan Mahata

For the State

1. Considering the fact that the names of the petitioners transpired from the statement of the co-accused during police custody which is inadmissible in evidence, the petitioners are able to rebut the statutory presumption of Section 37 of the NDPS Act and we are of the view that custodial interrogation of the present petitioners is not necessary.
2. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Gopal Chandra Das and Kalpana Pooddar @ Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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 corresponding to

Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner no.1 shall meet the I.O. once in a week till the submission of the final report and the petitioner no.2 shall cooperate with the investigation. Both the petitioners shall not leave the jurisdiction of District Malda without the permission of the I.O. except for the purpose of meeting the I.O. and attending the court proceeding.

3. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
4. 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.)**