

05.09.2024
AD-11
Court No.29
TN
(Allowed)

CRM (A) 3076 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kotwali Police Station Case No. 725 of 2024 dated 30.06.2024 under Sections 20(b)/29 of the NDPS Act.

And

In the matter of: **Santu Mondal**

.... petitioner

Mr. Sumanta Das

....for the petitioner

Ms. Anasuya Sinha, Ld. APP,
Mr. Tirthankar Dhali

....for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. The learned counsel for the State in opposing the prayer has submitted that the witnesses had not named the petitioner. The name of the father of the petitioner Sanatan transpired from the statement and he was found to be travelling in the other car that was intercepted. However, it has been fairly submitted that nothing was seized from the other vehicle in which Sanatan was travelling.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that none of the witnesses has named the petitioner to be accompanied the principal accused and the father of the petitioner was not travelling the car wherefrom the narcotic

substance was seized, the petitioner is able to rebut the presumption under Section 37 of the NDPS Act and accordingly, we allow the application for anticipatory bail of the petitioner.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Santu Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered 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, corresponding to Section 482(2) of the BNSS, 2023.
5. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned trial court within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. Leave is given to correct the name of the father of the petitioner in course of the day.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)