

01.10.2024
SL No.48
Court No.29
(gc)
(Allowed)

CRM (A) 3522 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Hogolberia Police Station Case No.183 of 2024 dated 05.08.2024 under Sections 20(b)(ii)(B)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Sonai Mandal @ Sonai Mondal**

- Petitioner.

Mr. Abdul Aziz Mondal

....For the Petitioner.

Mr. Siladitya Banerjee,

Mr. Abhishek Verma

... For the State.

1. The learned Counsel for the petitioner submits that claiming parity with the Surjo Das @ Surjya Das @ Surya Das, who was granted anticipatory bail by an order dated 4th September, 2024 passed by a Coordinate Bench in CRM (A) 3071 of 2024, the present petitioner may be granted anticipatory bail.
2. In the instant case, the learned Counsel for the State has specifically submitted that the name of the petitioner transpired from the statement of one of the co-accused in police custody which is inadmissible in evidence in view of Section 25 of the Evidence Act and the materials available in the case diary also supports the said submission, we are of the view the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Moreover, the petitioner has no criminal antecedent.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sonai Mandal @ Sonai Mondal**, 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 Arresting Officer and also to comply with the conditions as laid down in Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave the jurisdiction of Hogolberia police station without the leave of the I.O till the submission of the final report and on further condition that the petitioner shall appear before the learned Judge, Special Court, under NDPS Act, Nadia at Krishnagar, within two weeks from date in connection with NDPS Case No. 69 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the application for anticipatory bail is disposed of.

5. 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.)