

25.04.2024
Court No.01
Item No. 05
Allowed

KC

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 224 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Seizure Case No. 01/NDPS/CL/Phensedyl/CUS/DHDPU/2023-24** dated **17.05.2023** under Sections 21(c)/25/29 of the NDPS Act.

And

In Re: **Manoj Kumar Bhagat @ Manoj Bhagat @ Chacha Ji
@ Bhagat Ji**

Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Dey

For the Petitioners

Mr. Aditi Shankar Chakraborty, learned APP
For the State

1. It is submitted on behalf of the petitioner that, the present accused petitioner is in no way involved in the alleged crime.
2. While opposing the prayer for anticipatory bail, it is submitted on behalf of the State that from the possession of the detained accused person, 16,500 bottles of Phensedyl was recovered.
3. On perusal of the entire materials of the case diary as placed before us, it appears that the basis of implication of the present accused petitioner, the present of the co-accused, who has been apprehended.
4. In view of such, we are of considered view that the present accused petitioner is successful in rebutting the statutory restriction as provided under Section 37 of the NDPS Act and accordingly he is entitled to get a favourable order

5. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.
5. Accordingly, we direct that in the event of arrest, the petitioner viz. **Manoj Kumar Bhagat @ Manoj Bhagat @ Chacha Ji @ Bhagat Ji** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, and the petitioner shall appear before the **learned Additional Sessions Judge, 1st Court cum Special Court (under NDPS Act), Coochbehar** in connection with NDPS Case No. 33 of 2023 on each and every date of substantive hearing subject to the provision of Section 317 of the Code of Criminal Procedure. It is further directed that the present accused petitioner shall appear before the learned Trial Court within a fortnight from the date of passing of this order.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. **CRM (A) 224 of 2024** is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)