

Court No. 1

Calcutta High Court

01.05.2024

In the Circuit Bench at Jalpaiguri

(JPD 42)

Appellate Side

(S. Banerjee)

CRM (A) 345 of 2024

(Allowed)

<sup>c</sup>  
**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Birpara Police Station Case No. 154 of 2023 dated 21.10.2023 under Section 20(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

**In the matter of:** Mrinal Barman

...petitioner

Mr. Shubhankar Dutta

... for the petitioner

Mr. Kallol Acharjee  
Mr. Chattu Roy

... for the State

1. Heard.
2. It is submitted on behalf of the petitioner that considering the fact that the basis of implication of the present accused-petitioner is the statement of the co-accused, the instant application for anticipatory bail may be considered.
3. Learned counsel for the State opposes the prayer for anticipatory bail.
4. On perusal of the entire materials as placed before us, it reveals that the basis of the implication of the present accused-petitioner is statement of the co-accused and

that no seizure took place from the vehicle which is owned by the present accused-petitioner.

5. Investigation is stated to have been completed in the meantime.
6. We are of the view that the present accused-petitioner is successful in rebutting the statutory restrictions under Section 37 of the NDPS Act.
7. Application for anticipatory bail is thus allowed.
8. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of Rs. 5,000/-each, and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, to the satisfaction of learned Special Judge (NDPS), Alipurduar and with a direction to appear before the trial court positively within a fortnight from today and, thereafter, to appear before the trial court on each and every date of substantive hearing subject to the provision of Section 317 Cr.P.C.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

**(Soumen Sen, J.)**

**(Partha Sarathi Sen, J.)**