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Allowed

IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 422 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 11 of 2024 dated 11.01.2024 under Sections 21(c)/25/29 of the NDPS Act.

And

In Re : Rajiv Mandal @ Rajib ..... petitioner

Mr. Anirudha Biswas

Mr. Kanak Mishra

.....for the petitioner

Mr. Nilay Chakraborty, learned APP

Mr. Tapan Bhattacharjee

....for the State

1. Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner was involved in dealing in narcotics above commercial quantity.

3. We have considered the materials on record. No narcotics was recovered from the possession of the petitioner. His statement was transpired from the co-accused before police officer which is inadmissible in evidence. In view of the aforesaid we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on anticipatory bail.

4. 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 sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**