

04/12/2025
D/L – 35
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3719 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Kaliachak P.S case no. 359 of 2025 dated 6/3/2025 under Sections 21(c)/25/27A/29 of the NDPS Act.

In the matter of: Anup Mandal

...Petitioner.

Mr. Arup Kr. Bhowmick

...for the petitioner.

Mr. Joydeep Biswas

Ms. Kanchan Roy

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. The only material available against him is the statement of the co-accused, which is not admissible in evidence.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. However, he relies on the report which is taken on record and submits that there are no money trails or criminal antecedents that would implicate the present petitioner. Charge-sheet has been submitted. The only material available against the petitioner is the statement of a co-accused.
3. Considering the fact that the only incriminating material available against the petitioner is the statement of a co-accused, the petitioner has been able to rebut the

restrictions contained in Section 37 of the NDPS Act and considering the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner.

4. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall surrender before the jurisdictional Court and pray for bail within four weeks from date.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)