

20.09.2021

**CRM 2908 of 2021**

Court No.32  
Item No.58  
(ALLOWED)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Hili Police Station Case No. 145 of 2020 dated 19.11.2020 under Sections 21(c)/22(c)/23(c)/27A/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (corresponding Special Case No. 84 of 2020).

And

In the matter of : **Mintu Barman @ Mintu Mandal**  
**...Petitioner.**

**Mr. Kaushik Choudhury.**

**...For the Petitioner.**

**Mr. Saibal Bapuli,**  
**Mr. Arani Bhattacharyya.**

**...For the State.**

Admittedly there was no recovery of contraband items from the petitioner. His name transpired from the statements made by co-accused persons, from whom recovery was made.

In view of there being no recovery from the petitioner, the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

We have seen the material in the case diary. The available material do not prima facie implicate the petitioner. Further, a co-accused standing on the same footing has been granted anticipatory bail by this Court by an order dated March 11, 2021 in CRM 10981 of 2020.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Mintu Barman @ Mintu Mandal** 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2908 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**