

ITEM NO.11

COURT NO.1

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No.1640/2020

(Arising out of impugned final judgment and order dated 06-01-2020
in CRM No.11606/2019 passed by the High Court at Calcutta)

KAILASH MANDAL @ KAILASH CHANDRA MANDAL

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ANR.

Respondent(s)

(With IA No.32964/2020 - EXEMPTION FROM FILING O.T.)

Date : 30-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Smarhar Singh, AOR
Mr. Bikram Mondal, Adv.
Ms. Shweta Kumari, Adv.
Mr. Jai Krishna Singh, Adv.
Mr. Vikas Chopra, Adv.

For Respondent(s) Ms. Astha Sharma, Adv.
Mr. Ravinder Singh, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Devvrat Singh, Adv.
M/s. Plr Chambers & Co.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 By an order dated 6 January 2020, a Division Bench of the High Court at Calcutta declined to grant anticipatory bail to the petitioner in connection with Special Case No 118 of 2016 arising out of SI's SL No 37/15-16 dated 22 February 2016 under Sections 18(c) and 8(b) of the NDPS Act.
- 2 A complaint bearing Special Case No 118 of 2016 was filed on 22 February 2016 under the Narcotic Drugs and Psychotropic Substances Act 1985¹ before the Additional Sessions Judge, Special 2nd Court, Malda.
- 3 A notice was issued to the petitioner under Section 67 of the NDPS Act. The allegation against the petitioner is that he is the owner of certain plots of land on which a standing crop of poppy was found when the raid was conducted.
- 4 The High Court has declined to grant anticipatory bail to the petitioner.
- 5 Counsel appearing on behalf of the petitioner submits that the petitioner had sold the land on 26 April 2013.
- 6 Counsel appearing on behalf of the State of West Bengal on the other hand submitted that even after the notice was issued under Section 67 of the NDPS Act, the petitioner failed to produce relevant information indicating the sale of the plot of land and even otherwise at the highest, the claim is that a part of the land has been sold.
- 7 On the above facts, we deem it appropriate and proper to pass the following order:
 - (i) The interim order of this Court dated 5 March 2020 protecting the

1 "NDPS Act"

petitioner against arrest in connection with Special Case No 118 of 2016 (NDPS) shall stand extended until 31 December 2022;

- (ii) The petitioner shall appear before the Investigating Officer within the above period, cooperate in the investigation and produce a copy of the alleged sale deed in pursuance of which he claims to have alienated the land; and
- (iii) The petitioner shall surrender before the competent court on or before 31 December 2022 and apply for regular bail. The Special Court shall expeditiously consider the application for regular bail within one week from the filing of the application for bail considering the fact that the petitioner is stated to be about 80 years' of age.

8 The Special Leave Petition is accordingly disposed of.

9 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar