

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.07.2019

Court No.01
Item No. 148
CHC/gc

CRM 287 of 2019

(Allowed)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 23.04.2019 in connection with NDPS Case No.103 of 2017 arising out of Sitalkhuchi Police Station Case 397/17, dated 15.12.2017 under Sections 20(b)(ii)(B)/21(B)/29 of the N.D.P.S. Act.

And

In the matter of Rabiul Mia @ Kaltu Mia

.....Petitioner

Mr. Arnab Saha, Advocate

....For the Petitioner

Mr. Niloy Chakraborty, Advocate

Mr. Sanjiv Das, Advocate

.....For the State

It is submitted by the learned advocate for the petitioner that he has been falsely implicated in the case as nothing has been recovered from him.

It is also submitted by learned advocate for the petitioner that relying on the statement of the co-accused, the accused has been implicated in this case.

Learned Additional Public Prosecutor raising objection against the prayer for bail submits that in this case 5 kg of ganja and 190 bottles of phensedyl syrups, worth of Rs.24,225/-, which are within the meaning of commercial limit, have been recovered in this case.

It is brought to the attention of the Court that some co-accused in connection with C.R.M.8221 of 2018 have been granted anticipatory bail and this petitioner stands at the same footing with that accused already favoured with anticipatory bail vide C.R.M.8221 of 2018.

Considering such position and also bearing in mind that

nothing has been recovered from the possession of the petitioner, we are inclined to grant the petitioner anticipatory bail.

Accordingly, in the event of arrest, petitioner will be granted bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of Rs.5000/- (rupees five thousand) each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the condition as laid down under Section 438(2) Cr.P.C. and on further condition that petitioner shall ensure his appearance before the learned court below and obtain regular bail within a fortnight from the date of this order.

C.R.M.287 of 2019 is disposed of.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)