

18.09.2020.
Item No. 32
(Allowed)
ab

(Via Video Conference)

C.R.M. 5796 of 2020
+
I.A. No. C.R.A.N. 1 of 2020
(Old No. 4207 of 2020)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Manikchak Circle, Malda, out of S.I.s S.L No. 96/15-16 dated 23.01.16 under Section 18(c) read with Section 8(b) of the NDPS Act;

And

In the matter of : **Basudev Barik alias Basudev Sarkar and another.**

... petitioners.

Mr. Kushal Kumar Mukherjee.

...For the petitioners.

Mr. Sanjay Bardhan,
Mr. Paresh Chandra Majhi.

...For the State.

The Advocate-on-Record of the petitioners undertake to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing through Video Conference.

Accordingly, the interlocutory application being I.A. No. CRAN 1 of 2020 (Old No. CRAN 4207 of 2020) is disposed of.

The learned Advocate for the petitioners submits that the petitioners are similarly placed with the other accused, who have been granted privilege of anticipatory bail, as the case relates to the different land owners and the allegations are for cultivation of opium poppy.

The learned Advocate for the State opposes the prayer for anticipatory bail, as, according to him, the present petitioners have been evading the process of law and the

petitioner no. 1 happens to be the owner of the land and the petitioner no. 2 happens to be the cultivator.

We have perused the materials on record as also the case diary and the orders of the Co-ordinate Bench in respect of other accused persons, who have been granted similar relief.

Having considered as aforesaid, we are of the opinion that the petitioners are entitled to the relief of anticipatory bail.

Accordingly, in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- each to the satisfaction of the arresting officer, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. In addition, the petitioners will attend the trial on every day fixed and any default on the petitioners' part will entitle the trial court to cancel the bail without further reference to this Court.

This application for anticipatory bail is, thus, **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)