

18.09.2020

50

jb.

CRM No. 6305 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 258 of 2020 dated 04.08.2020 registered for investigation into offences punishable under Sections 22(C)/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mustafa @ Mostafa Mia & Ors.

... Petitioners

Mr. Satadru Lahiri

.. for the petitioners

Mr. Anwar Hossain

Ms. Sreyashee Biswas

..for the State

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners claim that merely because they are brothers of the owners of the house where the seizure was carried out they have been roped in.

The State relies on statements of witnesses to the effect that the petitioners were present at the time when

the seizure took place but the petitioners fled from the place.

The case started against the petitioners is on the ground that the petitioners were the joint owners of the building where the seizure was effected. The case is not of the petitioners being in joint possession of the contraband and having fled from the place of seizures upon noticing the raiding party.

Considering the material against the petitioners, they are entitled to anticipatory bail.

In the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- each, with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer.

The petitioners will also abide by the conditions laid down in Section 438(2) of the Code.

CRM 6305 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)