

01-10-2020
Subha
Item no.31
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6903 of 2020

Momin Haque and anr.
-vs-
The State of West Bengal
With
CRAN 1 of 2020
(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Dinhata P. S. Case No.63 of 2020 dated 17-02-2020 under Sections 21(C)/29 of the NDPS Act.

Mr. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. Shraman Sarkar
Mr. Arpan Saha

...for the petitioners.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Basu
Mr. Aniruddha Biswas

... for the State.

It is submitted by the learned advocate for the petitioners that the charge-sheet has already been submitted. Therefore, the custodial interrogation of the petitioners is not required. Furthermore, no recovery was made from the possession of the petitioners.

Mr. Chakraborty, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that they are kingpins and the contraband articles were kept in the house of the accused persons who have been arrested. He discloses the role of the petitioners in the alleged offence. Therefore, the court should not grant anticipatory bail to the

petitioners. .

After perusing the materials contained in the case diary and the considering the fact that no recovery was made from the possession of the petitioners, we are of the opinion that the custodial detention of the petitioners is not required. Accordingly, the prayer for anticipatory bail of the present petitioners is allowed.

As such, in the event of arrest, the petitioners shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that they shall not tamper with the evidence of the case or intimidate the witnesses.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

CRM 6903 of 2020 and CRAN 1 of 2020 are disposed of.

[Subhasis Dassgupta, J]

[Samapti Chatterjee, J)

