

30.09.2020.
Item No. 26
(Allowed)
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C.R.M. 7322 of 2020
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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Habibpur Police Station Case No. 411 of 2018 dated 22.11.2018 for commission of offence punishable under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act and Sections 18B/27 of the Drugs and Cosmetics Act;

And

In the matter of : **Sekbar Sekh @ Md. Sekbar Sk.**

... petitioner.

Mr. Sourav Chatterjee,
Mr. Avinaba Patra,
Mr. Dipayan Kundu.

...For the petitioner.

Mr. Rana Mukherjee,
Mr. Sanjay Bardhan.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes 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.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioner submits that the petitioner has been implicated in the instant case on the basis of the statement of the co-accused. There is no recovery of the contraband or psychotropic substance from the possession of the petitioner. It is strongly submitted that the co-accused, who stands on the same footing that of the petitioner has

already been granted anticipatory bail on 5th February 2020 in CRM 1215 of 2020.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the petitioner stands on the same footing that of the another co-accused, namely, Gobinda Mandal @ Krishna Mandal, who has been extended the privilege of Section 438 of the Code of Criminal Procedure.

In view of the fact that the petitioner stands on the same pedestal that of the another co-accused, namely, Gobinda Mandal @ Krishna Mandal, who has been extended immunity from arrest, we do not find any justification in denying the identical relief to the petitioner solely on the ground of parity.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sekbar Sekh @ Md. Sekbar Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. Petitioner shall appear before the court below and hand over his passport, if any, within four weeks from date. In the event he does not have a passport, he shall personally appear before the court below and furnish an affidavit to that effect within the time frame mentioned hereinabove.

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

(Subhasis Dasgupta, J.)

(Harish Tandon, J.)