

**CRM 7800 of 2020
(Via Video Conference)**

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2019 in connection with S.I.'s.S.L. No. 126/15-16 dated 06.02.2016 (Chanchal Excise Circle, Malda) under Sections 18 (C)/8 (b)/29/46 of NDPS, 1985.

In the matter of : **Fullu Sk. & Ors.**

..... petitioners

Mr. Mritunjoy Chatterjee

.....for the petitioners

Mr. Rana Mukherjee
Mr. Santanu Chatterjee

..... for the State

The petitioners undertake to affirm and stamp the petition/application as per Rules within one month of normal functioning of the Court. Subject to such undertaking the application is taken up for hearing.

It is submitted by the learned Counsel appearing for the petitioner that she has been falsely implicated in the instant case. It is further submitted that report of the Revenue Inspector shows that the plot within her control and ownership was used for cultivation of khesari plant and not opium poppy. Statement of the petitioner under Section 67 of the NDPS Act is, therefore, supported by such report.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

In the backdrop of the facts and circumstances of the case particularly the report of the Revenue Inspector, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 on further condition that he shall appear before the court below and pray for regular bail within a period of fortnight from date.

This application for anticipatory bail is, thus, allowed.

(Shampa Sarkar,J.)

(Harish Tandon, J.)