

20.10.2020

Court No. 8
Item No. 21
abhar/bdutta

CRM 7948 of 2020
(Via Video Conference)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 153 of 2020 dated 15.03.2020 under Sections 21(C)/29 of the N.D.P.S. Act.

and

In the matter of: **Sohidul Islam.**

..... Petitioner

Mr. Tanmay Basu.

.....for the Petitioner

Mr. Tanmay Kr. Ghosh,
Ms. Sima Biswas.

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioner submits that nothing was recovered from his possession although he apprehends arrest in connection with the aforementioned case. It is further submitted that the wife of the petitioner, who is the co-accused, has already been enlarged on bail.

The learned advocate appearing for the State opposes the prayer for anticipatory bail. It is submitted that the petitioner is the kingpin in running a racket of the supply of the contraband and is avoiding arrest. It is further submitted that there is a confessional statement recorded of the wife where she has disclosed the complicity of the petitioner to such alleged offence.

It appears in course of hearing that the wife of the petitioner was released on bail as the Investigating Officer could not submit the charge-sheet within the statutory period. The statutory liberty was exercised by the wife although the petitioner has been successful in avoiding arrest as of now. 270 gms. of heroin were recovered which is admittedly a commercial quantity. We do not feel that the petitioner

should get any immunity from arrest simply because no recovery was made from his possession as we find his role ascribed to the alleged offence. It is not a fit case for granting anticipatory bail. Accordingly, the prayer for anticipatory bail is rejected.

The application for anticipatory bail being C.R.M. 7948 of 2020 is dismissed.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)