

12.03.2020
SI No.3
b.das
Allowed

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

CRM 259 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.02.2020 in connection with Sitalkuchi P.S. Case No.72 of 2019 dated 16.03.2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In Re: **Jiyarul Haque Mia @ Jiarul Mia**

... .. Petitioner.

Mr. Sourav Ganguly

... for the Petitioner.

Mr. Tapan Bhattacharjee

Mr. Aniruddha Biswas

... .. for the State.

The petitioner seeks anticipatory bail in connection with Sitalkuchi P.S. Case No.72 of 2019 dated March16, 2019 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

Learned Advocate for the petitioner submits that the petitioner is in no way connected with the incident. The alleged recoveries were made from plots of land over which the petitioner has no right, title and interest.

The State is represented.

We have considered the case diary produced and the materials placed on record. There is a report of the Block Land and Land Reforms Officer to the effect that the plots of land from which the substances were allegedly recovered do not belong to the petitioner. In such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the Act of 1985. We are inclined to grant anticipatory bail to the petitioner, as prayed for.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount, one of whom must be local, 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. The petitioner will report to the investigating officer once in a week until further orders and shall not intimidate the witnesses or tamper with the witnesses in any way whatsoever. The petitioner will appear before the Special Court on every date of hearing.

The application for anticipatory bail is, thus, disposed of.

(Kausik Chanda, J.)

(Debangsu Basak, J.)