

21.01.2021
Court No.28
Item No. 160
Krishnendu
ALLOWED

C.R.M. 281 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Moslem Hossain @ Muslim Sekh & Ors.**

.....Petitioners

Mr. Mounick Ghosh

....For the Petitioners

Mr. Swapan Banerjee

Mrs. Purnima Ghosh

.....For the State

Apprehending arrest in connection with a proceeding, being Special Case No. 109/2016 (Ref:- S.I's S.L. No. 133/15-16 dated 17.02.2016) of Excise, Sadar R.P.U. Malda under sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners are innocent of the charges and they have been falsely implicated because they are the co-sharers of a land wherein allegedly, according to the prosecution, there was poppy cultivation. The learned advocate further submits that similarly placed accused persons have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court as also today by this Court.

Mr. Banerjee, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the

petitioners have been evading the process of law for about five years.

Having regard to the fact that similarly placed accused persons have been granted anticipatory bail on 5th November, 2020 in CRM 8747 of 2020 and CRM 8748 of 2020 and today, i.e. on 21st January, 2021, in CRM 270 of 2021 and CRM 274 of 2021, we are inclined to extend the privilege of anticipatory bail to the present petitioners, who are similarly placed with the other accused persons. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely **Moslem Hossain @ Muslim Sekh, Gajlu Hossain @ Gajlu Sekh and Hannan Hossain @ Hannan Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 281 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata

