

25.01.2021
Court No.28
rpan / 195

C.R.M. 318 of 2021
(Via Video Conference)

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

And

In Re : **Mojjem Sekh @ Sk @ Menu Sk. & Others**
....Petitioners.

Mr. Mrityunjoy Chatterjee
....for the Petitioners.

Mr. Saibal Bapuli,
Mr. Soumik Ganguli
... for the State.

Apprehending arrest in connection with NDPS Case No. 74 of 2016 arising out of S.I's.S.L. No.32/15/16 dated 12.02.2016 (Sadar R.P.U. Excise Circle, Malda) under Section 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

The learned advocate for the petitioners submits that the petitioners have been implicated in the present case. Sixty-six persons have been accused of the charges and charge-sheet has been submitted by the investigating agency. The learned advocate further submits as charge-sheet has already been submitted, detention of the petitioners is unwarranted.

The learned advocate for the State submits that similarly placed persons have already been released on anticipatory bail. To that effect the orders of CRM 4076 of 2020 and CRM 3175 of 2020 have been referred to.

Having regard to the materials available against the petitioners and the fact that similarly placed accused persons have been granted similar relief, we are of the opinion that custodial detention of the petitioners is unwarranted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. 1. **Mojjem Sekh @ Sk @ Menu Sk.**, 2. **Ayesh Sekh @ Sk.**, 3. **Kaiful Sekh @ Sk**, 4. **Abjan Sekh @ Sk**, 5. **Farijuddin Sekh @ Sk** and 6. **Salam Sekh @ Sk**, 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 petitioners shall regularly attend the trial till disposal of the trial and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. In the event the petitioners shall not comply with the conditions as enshrined, it is open to the learned Trial Court to cancel the order without any further reference of this Court.

The application for anticipatory bail, being CRM 318 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)