

15.02.2021
Item No.232
Ct.No.28
Subha
Allowed

C.R.M. 437 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438
of the Code of Criminal Procedure.

And

In the matter of : **Bibi Mabiya & Anr.**

.....petitioners.

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly

... For the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... For the State.

Apprehending arrest in connection with Kaliachak
Police Station Case No. 51 of 2016 dated 03.02.2016 under
Section 18 of the Narcotic Drugs and Psychotropic
Substances Act, the present application has been preferred.

Mr. Bhattacharyya, learned advocate appearing for
the petitioner submits that they are innocent of the charges
and have been falsely implicated in the instant case as they
are cultivators.

Learned advocate for the petitioners further
submits that similarly placed accused persons have been

granted the privilege of anticipatory bail in CRM 4016 of 2019 passed by a co-ordinate Bench of this Court on 16th April, 2019.

Mr. Roy Chowdhury, learned advocate appearing for the State oppose the prayer for anticipatory bail of the petitioners and draws the attention of this court to the statement of the witnesses as well as the documents which are present over there.

We have perused the materials on record available in the case diary and having regard to the fact that similarly placed persons have been extended the privilege of anticipatory bail, we are of the opinion that the petitioners are entitled to similar relief, as such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Bibi Mabiya and Abdul Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 petitioner no.2 shall meet with the Officer-in-Charge, Kaliachak Police Station once a week on and from 22.02.2021 until further orders.

The application for anticipatory bail, being CRM 437 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)