

26.02.2021
Court No.28
Item No. 38
Krishnendu
ALLOWED

C.R.M. 510 of 2021

(Via video Conference)

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

And

In re: **Saha Alam @ Sahlam Sk. & Anr.**

Petitioners

Ms. Minoti Gomes

For the Petitioners

Mr. Saibal Bapuli, Id. A.P.P.

Mr. Arani Bhattacharya

For the State

Apprehending arrest in connection with Special Case No.27 of 2016 (ref. S.I.'s S.L. no. 49/2015-16 dated 05.02.2016 of State Excise, Sadar Circle, Malda punishable under sections 18(c)/ 8(b) 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 and have been falsely implicated in the instant case. Additionally, the learned advocate submits that the present petitioners have approached this Court for the first time. According to the learned advocate, they had no relation with the cultivation, which was being carried out, and they are the co-sharers in respect of a land, which has been registered in their names.

The learned advocate for the State opposes the prayer for anticipatory bail.

We have perused the orders passed in CRM 4247 of 2019 and CRM 9508 of 2019 wherein accused persons, who have been similarly placed, have been granted anticipatory by a co-ordinate bench of this Court.

Having regard to the fact that the petitioners are also on the same footing as those accused persons, we are of the opinion that similar benefit must be extended to the present petitioners. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Saha Alam @ Sahlam Sk. and Sadek Sekh @ Sadik 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.

This order of anticipatory bail will remain in force for a period of four weeks from date.

Within the aforesaid period, the petitioners will surrender before the learned Special Court and pray for regular bail.

The application for anticipatory bail, being CRM No. 510 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.)