

12.03.2021

Court No.28

rpan / 28

CRM 610 of 2021
(Via video Conference)

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

And

In Re : **Md. Sohel Akhtar @ Sohel Sk @ Sahel & Others**

Petitioners

Mr. Sagar Saha

For the Petitioners

Mr. Saryati Datta

For the State

Apprehending arrest in connection with Kaliachak P.S. Case No.314 of 2020 dated 19.04.2020 under Sections 27(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [Special Case No.22 of 2020], the petitioners have filed the present application.

The learned advocate for the petitioners submits that the petitioners have been falsely implicated on the basis of the statement of a co-accused person and there has been no recovery of contraband substance from the petitioner.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that subject-matter of the case involves 255 grams of brown sugar from the principal accused and on the basis of the statement of the said accused, the present petitioners' complicity in the case transpired.

We have perused the materials in the case diary and we do not find that any seizure was effected from the possession of the present petitioners and having regard to the fact that investigation

of the case has already been concluded and charge-sheet has been filed, including the chemical examiner's report, we are of the opinion that custodial detention of the petitioners is not warranted. As such, prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Md. Sohel Akhtar @ Sohel Sk @ Sahel, Abdul Maruf @ Maruf** and **Md. Sabir Nadab @ Sabir @ Guria** shall be released on bail upon furnishing a bond of ₹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 would remain valid for a period of four weeks from date within which the petitioners would appear / surrender before the learned Special Court and pray for regular bail.

The petitioners shall not be arrested till 5th April, 2021.

The application for anticipatory bail, being CRM No. 610 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.)