

12.03.2021

Court No.28

rpan / 32

CRM 620 of 2021
(Via video Conference)

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

And

In Re : **Kahar Sk**

- Petitioner

Md. Sabir Ahmed,

Mr. Mujibar Ali Naskar

... For the Petitioner.

Mr. Sanjoy Bardhan,

Ms. Manisha Sharma

... For the State

Apprehending arrest in connection with Suti P.S. Case No.199 of 2020 dated 24.05.2020 under Sections 27(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case on the basis of the statement of a co-accused person and there has been no recovery of contraband substance from the present petitioner. The learned advocate further submits that a co-accused person, Atiur Khan @ Monglu on similar footing has been granted anticipatory bail in CRM 5266 of 2020.

Mr. Bardhan, learned advocate appearing for the State submits that subject-matter of the case involves 10,000 ML of codeine mixture being recovered from one Hasan Mahaldar @ Habil. However, he is unable to rebut the contention of the learned advocate for the petitioner that the present petitioner has

been implicated on the basis of the statement of the principal accused.

We have perused the materials including the case diary and the fact that similarly placed accused has been extended the benefit of Section 438 of the Code of Criminal Procedure and having regard to the fact that investigation has already been concluded, we are of the opinion that custodial detention of the petitioner is not necessary. As such, prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Kahar Sk** shall be released on bail upon furnishing a bond of ₹10,000/- 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. 620 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.)