

09.04.2021
Item No.267
Ct.No.28
Subha
Allowed

C.R.M. 734 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 CrPC in connection with a proceeding being special case no. 109/2016(ref:-S.I.'s S.L. no.133/15-16 dated 17-02-2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Rajkumar Mandal @ Mandal Rajkumar & Anr.**

.. Petitioners.

Mr. Mounick Ghosh

... For the Petitioners.

Mr. Md. Anwar Hossain
Mr. Palash Kumar Majhi

... For the State.

Apprehending arrest in connection with in connection with a proceeding being special case no. 109/2016(ref:-S.I.'s S.L. no.133/15-16 dated 17-02-2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been filed.

Mr. Ghosh, learned advocate appearing for the petitioners submits that the petitioners are innocent of the

charges and they have been falsely implicated in the instant case.

Learned advocate for the petitioners has relied upon a decision of this Bench in respect of one of the co-accused in CRM 4079 of 2020 passed on 18th June, 2020 and also series of orders passed in respect of the persons similarly placed where the order passed in CRM 4079 of 2020 was passed.

Learned advocate for the petitioners further submits that the petitioners are placed in the same footing as that of other co-accused persons who have granted anticipatory bail.

Mr. Nandy, learned advocate for the State that the petitioners have been absconding for a considerable period of time.

We have perused the materials available in the case diary. Having considered the nature of the charges and the fact that the charge-sheet has already been submitted, we are of the view that there may not be any immediate need to take the petitioners into custody.

As such, prayer for anticipatory bail of the petitioners is allowed.

In the event of arrest, the petitioners, petitioner no. **1, Rajkumar Mandal @ Mandal Rajkumar** & Petitioner no. **2, Ratan Mandal** should be released on furnishing security of Rs.10,000/-(Rupees Ten Thousand) each with two

securities of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioners shall also comply with the conditions laid down in Section 438(2) of the Code.

The application for anticipatory bail, being CRM 734 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.)

(Soumen Sen, J.)