

16.04.2021
Item No.247
Ct.No.28
Subha
Allowed

C.R.M. 876 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Special Case 21 of 2016 arising out of Kaliachak P. S. Case No. 47 of 2016 dated February 1, 2016 punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Bajiruddin Sekh @ Badirussin Sk. & Anr.
.. Petitioners.

Mr. Salman Hasan

... For the Petitioners.

Mr. Sanjhoy Bardhan

... For the State.

Apprehending arrest in connection with in connection with Special Case 21 of 2016 arising out of Kaliachak P. S. Case No. 47 of 2016 dated February 1, 2016 punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 , the present application has been filed.

At the inception, it has been submitted that petitioner no. 1, Bajiruddin Sekh @ Badirussin Sk. has been arrested and as such, his application for anticipatory bail is not pressed. Accordingly, the application on behalf of the petitioner no. 1, Bajiruddin Sekh @ Badirussin Sk is dismissed as not pressed.

So far as the petitioner no.2 is concerned, we find that the petitioner no. 2 is similarly placed with the accused who has been granted the benefit of anticipatory bail in CRM No. 3584 of 2019 by order dated 1st April, 2019.

We have considered the materials on record and bearing in mind the inconsistent versions with regard to the nature of cultivation undertaken by the petitioner on his plot and as co-accused persons have been granted anticipatory bail, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that in the event of arrest the petitioner no. 2, namely, Malekh Sekh @ Malek Sk shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a fortnight from date.

This application for anticipatory bail 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.**)