

21.04.2021
Item No.242
Court No.28
Avijit Mitra

**C.R.M. 945 of 2021
(Through video conference)**

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

In Re : **Anikul Hawk @ Md. Anikul Hawk @ Anikul Haque**
..... petitioner

Mr. Mounick Ghosh
..... for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
..... for the State

Apprehending arrest in connection with Special Case No.109
of 2016 (ref: S.I.'s S.L. No.133/15-16 dated 17.02.2016) under
Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic
Substances Act, 1985 the present application has been filed.

The learned advocate appearing for the petitioner submits
that the petitioner has been falsely implicated. The prosecution did
not collect any separate sample of opium poppy plants from the
land owned by the petitioner. It would appear that a single sample
was drawn from lands spread over 48 dag numbers. Upon
completion of investigation charge sheet has also been filed and as
such custodial interrogation of the petitioner is not warranted.

The learned advocate appearing for the State denies and
disputes the contention of the petitioner and opposes his prayer for
anticipatory bail.

Having heard the learned advocates and considering the materials available in the case diary, the nature of allegations, the extent of complicity of the petitioner and since upon completion of investigation charge sheet has also been filed, we are of the view that Section 37 of the N.D.P.S. Act would not stand in the way towards exercise of discretion in favour of the petitioner and as such his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners namely **Anikul Hawk @ Md. Anikul Hawk @ Anikul Haque** shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, 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 shall be valid for a period of eight weeks. In the meantime the petitioner shall appear before the learned Special Court, Malda under N.D.P.S. Act and pray for regular bail.

With the aforesaid observations, CRM 945 of 2021 is 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.)