

27.04.2021
Item No.290
Ct.No.28
Subha
Allowed

C.R.M. 1013 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Special Case 40 of 2016 (ref:- S. I. 's S. L. no.54/15-16 dated 17-02-2016) of Excise, Sadar R.P.U, Malda punishable under Sections 8(b)/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Abdul Kaiyum & Ors.

.. Petitioners.

Mr. Mounick Ghosh

... For the Petitioners.

Mrs. Faria Hossain

Mr. Dipankar Pramanick

... For the State.

Apprehending arrest in connection with in connection with Special Case no. 40 of 2016 punishable under Sections 8(b)/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 , the present application has been filed.

Heard the learned advocates appearing for the parties. On perusal of the records, it appears that the case

was initiated against 33 accused persons and the prosecution report was submitted against the 20 persons.

Presently, 5 accused persons as petitioners are before this court. we have checked the records of the case and we find that the subject-matter involves poppy cultivation without any quantification and there are disputes so far as the Dag nos. and Plot nos. where the cultivation are going.

Having regard to the fact that the investigation into the case has already been concluded, we are of the opinion that the custodial interrogation of the present petitioners may not be warranted and as such, the anticipatory bail of the present petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.

This order of anticipatory bail will remain in force for a period of eight weeks from date within which the petitioners shall appear/surrender before the learned Special Judge under the NDPS Act, Malda and pray for regular bail.

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.)

(**Tapabrata Chakraborty, J.**)