

12.08.2021

(Via Video Conference)

Court No.28
Item No.279
(allowed)

CRM 1015 of 2021

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Farakka Police Station Case No. 12 of 2020 dated 14.01.2020 under Sections 18(b)/29 of the NDPS Act;

And

In the matter of : **Riday Mandal @ Riday Mondal & Ors.**
...Petitioners

Mr. Mounick Ghosh

...For the Petitioners

Mr. Sanjay Bardhan
Miss Manisha Sharma

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Farakka Police Station Case No. 12 of 2020 under Sections 18(b)/29 of the NDPS Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Inasmuch as 26 persons were charge sheeted in a case of illegal poppy cultivation. The names of the petitioners were revealed from the statement of the co-accused person, which are not admissible in evidence at this stage. Moreover, no documents could be filed by the State respondent to show that the petitioners are either *rayats* or *bargadars* in respect of the land where the search and seizure were allegedly made.

In view of such circumstances, we are inclined to grant the benefit of Section 438 of the Code of Criminal Procedure to the petitioners.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioners

shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on condition that the petitioners shall attend the Trial Court on every day of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 1015 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)