

18.05.2021
SL No.33
Court No.28
(gc)

CRM 1168 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed 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 : **Masud Karim**

- Petitioner

Mr. Mounick Ghosh,
... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan,
... For the State.

The learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and he has been falsely implicated because he is the co-sharer of a land wherein allegedly, according to the prosecution, there was poppy cultivation. The learned advocate further submits that similarly placed accused persons have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court as also on 21st January, 2021 by this Court.

Mr. Arijit Ganguly, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner has been evading the process of law for about five years.

Having regard to the fact that similarly placed accused persons have been granted anticipatory bail on 5th November, 2020 in CRM 8747 of 2020 and CRM 8748 of 2020, on 21st

January, 2021 in CRM 270 of 2021 and CRM 274 of 2021 and on the very same day, i.e., 21st January, 2021 in CRM 281 of 2021, we are inclined to extend the privilege of anticipatory bail to the present petitioner, who is similarly placed with the other accused persons. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Masud Karim**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail, being CRM No.1168 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.

(Suvra Ghosh, J.)

(Soumen Sen, J.)