

18.05.2021
SL No.34
Court No.28
(gc)

CRM 1172 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.40/2016 (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.

And

In the matter of : **Marjina @ Marjina Bewa & Anr.**

- Petitioners

Mr. Mounick Ghosh,
... For the Petitioners.

Mr. Rana Mukherjee,
Mr. S.S. Imam,
... For the State.

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 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. of the land are concerned.

On similar facts, co-accused persons similarly placed as that of the present petitioners have been granted anticipatory bail by a Coordinate Bench on 27th April, 2021.

Having regard to the fact that the investigation of 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, namely, **Marjina @ Marjina Bewa** and **Gajiruddin Miya @ Gajiruddin Mia**, 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, being CRM 1172 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.)