

12.08.2021

(Via Video Conference)

Court No.28
Item No.280
(allowed)

CRM 1248 of 2021

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No. 41 of 2016 dated 28.01.2016 under Section 18 of the NDPS Act;

And

In the matter of : **Amal Pramanik @ Amar Pramanik.**
...Petitioners

Mr. Mounick Ghosh

...For the Petitioners

Mr. Sanjay Bardhan
Miss Manisha Sharma

...For the State.

The Advocate on Record of the petitioner 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 Kaliachak Police Station Case No. 41 of 2016 under Section 18 of the NDPS Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

A case under Section 18 of the NDPS Act was initiated against 27 persons alleging, inter alia, that they were cultivating poppy plants illegally at 6 different *dag* numbers. No person was arrested from the spot, where cultivation of poppy was allegedly going on. The Investigating Agency collected the names of the plot holders from the Revenue Inspector and *Amins* of the office of local B.L. & L.R.O. The said Revenue Inspector and *Amins* are not parties to the said proceeding. There is absolutely no evidence collected against the petitioner that he was engaged in cultivating poppy in his plot of lands.

For the reasons stated above, we find that the petitioner is entitled to the benefit of anticipatory bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only), 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 petitioner 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 petitioner fails 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 1248 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)