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**C.R.M. 1324 of 2021  
(Via video conference)**

In Re: An application for anticipatory bail under Section  
438 of the Code of Criminal Procedure;

And

In Re: Asirul Sk @ Asiruddin Sekh

.... Petitioner

Mr. Mounick Ghosh

.... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

.... for the State

Apprehending arrest in connection with special case  
no. 74/2016 (ref:-S.I.'s S. L. no. 32/15-16 dated  
12.02.2016) of Excise, Sadar R.P.U., Malda, under  
Section 18(c)/8(b) of the Narcotic Drugs and  
Psychotropic Substances Act, 1985, the petitioner has  
filed the present application.

The learned advocate for the petitioner submits that  
the petitioner has been falsely implicated in the present  
case. Sixty-six persons have been accused of the  
charges and charge-sheet has been submitted by the  
investigating agency. The learned advocate further  
submits as charge-sheet has already been submitted,  
detention of the petitioner is unwarranted.

Learned counsel appearing for the State has referred to series of orders passed in respect of the persons similarly placed with that of the petitioner, that are appearing from the pages 8 to 15 of the petition and has prayed for similar reliefs.

Having regard to the materials available against the petitioner and the fact that similarly placed accused persons have been granted similar relief, we are of the opinion that custodial detention of the petitioner is unwarranted. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, viz. Asirul Sk @ Asiruddin Sekh shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, 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 petitioner shall regularly attend the trial till disposal of the trial and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. In the event the petitioner shall not comply with the conditions as enshrined, it shall be open to the learned Trial Court to

cancel the order without any further reference of this Court.

The application for anticipatory bail, being CRM 1324 of 2021, is , thus, disposed of.

**(Suvra Ghosh, J.)**

**(Soumen Sen, J.)**