

24.05.2021

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***suman/
Srimanta***

Ct. 28

CRM 1474 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of:

Moneja Bewa @ Muneja

....Petitioners

Mr. Mritunjoy Chatterjee
...for the petitioner

Mr. Bitasok Banerjee
...for the State

Apprehending arrest the petitioner who is an octogenarian lady has filed the instant application.

The petitioner was booked for committing offence under Section 18(c) of the NDPS Act on the ground that she is the owner of the disputed land where other accused persons allegedly cultivated poppy. In CRM 8405 of 2019 a Co-ordinate Bench passed an order on 24th September, 2019. While granting bail to a co-accused, named, Kasar Ali the Co-ordinate Bench had made a clear observation that said Kasar Ali was in possession of the land. In spite of such finding he was granted anticipatory bail.

As we do not find prima facie materials against the petitioner, we are of the view that she is entitled to the benefit of anticipatory bail.

Accordingly, we direct that in the event of arrest, the **petitioner** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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 and on further condition that the petitioner shall not leave the jurisdiction of English Bazar Circle, Malda until further orders.

Accordingly, the application for anticipatory bail being **CRM 1474 of 2021** is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)

