

12.08.2021

(Via Video Conference)

Court No.28
Item No. PB - 284
nandy

CRM 1567 of 2021

(antibail - granted)

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 05.02.2021 in connection with Kaliachak Police Station Case No. 41 of 2016 dated 28.01.2016 under Sections 18 of the Narcotic Drugs & Psychotropic Substances Act. (Special Case No. 54 of 2016)

and

In the matter of: **Gitesh Ch. Sarkar @ Gitesh Sarkar**

.....Petitioner

Mr. Mounick Ghosh, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Mr. Saryati Datta, Advocate

.....for the State

Apprehending arrest in connection with Kaliachak Police Station Case No. 41 of 2016 dated 28.01.2016 under Sections 18 of the Narcotic Drugs & Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail.

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.

Thus, the prayer of anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.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 as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall attend the trial Court on every date of hearing until further order.

The application for anticipatory bail being **CRM 1567 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)