

12.08.2021

(Via Video Conference)

Court No.28
Item No. PB - 285
nandy

CRM 1600 of 2021

(antibail - granted)

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 08.02.2021 in connection with Special Case No. 16 of 2015 (ref:- S.I.'s S.L. No. 77/2014-15 dated 19.02.2015) of Excise, Manikchak Circle under Sections 8(b)/18 of the Narcotic Drugs & Psychotropic Substances Act.

and

In the matter of: **Safikul Sekh @ Safikul Islam & Ors.**

.....Petitioners

Mr. Mounick Ghosh, Advocate

.....for the Petitioners

Mr. Neguive Ahmed, Advocate

Mr. Rana Mukherjee, Advocate

Ms. Trina Mitra, Advocate

.....for the State

Apprehending arrest in connection with Special Case No. 16 of 2015 (ref:- S.I.'s S.L. No. 77/2014-15 dated 19.02.2015) of Excise, Manikchak Circle under Sections 8(b)/18 of the Narcotic Drugs & Psychotropic Substances Act, the petitioners have 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 petitioners that they were engaged in cultivating poppy in their plot of lands.

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

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

Accordingly, in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 petitioners shall attend the trial Court on every date of hearing until further order.

The application for anticipatory bail being **CRM 1600 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)