

12.08.2021.  
300.  
As/Akd  
(Allowed)

**C.R.M. 2022 of 2021  
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Special Case No.114 of 2016 arising out of Gazole P.S. Case No.80 of 2016 dated 16.02.2016 under Section 18 of the NDPS Act.

In the matter of : Priyolal Sarkar &Anr. ... Petitioners.

Mr. Mrityunjoy Chatterjee,  
Mr. S. Bhattacharyya.

.....for the Petitioners.

Mr. Saryati Datta.

.....for the State.

Apprehending arrest in connection with NDPS Special Case No.114 of 2016 arising out of Gazole P.S. Case No.80 of 2016 dated 16.02.2016 under Section 18 of the NDPS Act, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Counsel appearing for the petitioners that they are not the owners of the land where poppy cultivation was carried on.

Learned Counsel for the State submits opposes the prayer for anticipatory bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioners, which is corroborated from the materials collected in the course of the investigation, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like

amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall appear before the court below and pray for regular bail within a period of fortnight from date.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2022 of 2021, is thus disposed of.

**(Harish Tandon, J.)**

**(Bibek Chaudhuri, J.)**