

53. 30.07.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2101 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/02/2021** in connection with **Kaliachak Police Station Case No. 51/2016** dated **03/02/2016** under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Unaha Bibi @ Unahar Bibi & Anr.**

....petitioners.

Mr. Mrityunjoy Chatterjee

...for the petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakrabarty

...for the State.

The petitioners seek parity with other co-accused persons who have been favoured with anticipatory bail by co-ordinate Benches of this Court earlier.

In granting such anticipatory bail on April 16, 2019 in C.R.M. 4016 of 2019, it is recorded by the co-ordinate Bench that as per report filed by the State, the concerned plot appears to be a mango garden.

Learned Advocate for the State opposes the prayer for anticipatory bail and refers to statements in the Case Diary.

Upon consideration of the material on record and in view of the fact that similarly placed co-accused persons have been granted anticipatory bail by co-ordinate Benches of this Court earlier, we are inclined to extend the same privilege to the petitioners also.

Accordingly, in the event of arrest, the petitioners shall be released on 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 the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and with a further direction that the petitioners shall meet the Officer-in-Charge of Kaliachak Police Station once in a fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 2101 of 2021 is, thus, **allowed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)