

14.07.2021

Court No.28
Item No.15

Akd
&
As

CRM 2265 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with N.D.P.S. Case No.151 of 2020 arising out of Sagarpara Police Station Case No. 49 of 2020, dated 25.08.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the N. D. P. S. Act and Section 11(d) of Prevention of Cruelty to Animals Act.

And

In the matter of : **Anikul Shekh @ Anikul Molla.**
...Petitioner

Mr. Jisan Iqubal Hossain.
...For the Petitioner

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.
...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with N.D.P.S. Case No.151 of 2020 arising out of Sagarpara Police Station Case No. 49 of 2020, dated 25.08.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the N. D. P. S. Act and Section 11(d) of Prevention of Cruelty to Animals Act.

The petitioner has been implicated in connection with the instant case solely on the basis of the statement of the co-accused which is inadmissible at this stage. Nothing could be recovered from the exclusive possession of the petitioner and, therefore, the

prayer for bail of the petitioner under Section 37 of the N. D. P. S. Act does not apply.

In view of the above, the prayer for bail of the petitioner is granted.

Accordingly, the petitioner **Anikul Shekh @ Anikul Molla**, shall be released on bail upon furnishing a bond of Rs.10,000 /- each (Rupees Ten Thousand), with two court sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 2265 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)