

23.09.2021

Court No.28
Item No.162
(ALLOWED)

Ab

CRM 2571 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Special Case No. 52 of 2016 (ref:- S.I.'s S.L. No. 26/15-16 dated 21.01.2016) of Excise, Sadar R.P.U. , Malda) under Sections 8(b)/18(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Megu Mandal @ Meghu Mondal.**

...Petitioner

Mr. Mounick Ghosh.

...For the Petitioner

**Mr. Rana Mukherjee,
Ms. Sukanya Bhattacharya,
Mr. 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.

Apprehending arrest in connection with Special Case No. 52 of 2016 (ref:- S.I.'s S.L. No. 26/15-16 dated 21.01.2016) of Excise, Sadar R.P.U. , Malda) under Sections 8(b)/18(c) of the Narcotic Drugs and Psychotropic Substances Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is ascertained from the submission of the learned Advocate for the petitioner that the case is initiated against the petitioner along with ten other accused persons, who were allegedly cultivating poppy in 13 bighas of land. The Investigating Officer ascertained ten different dag numbers of the accused persons. However, khatian numbers in respect of the plots, where poppy cultivation was

allegedly made, were collected during investigation. Furthermore, each dag numbers comprised of large tract of land.

Though the learned Public Prosecutor in-Charge has raised objection against the prayer for anticipatory bail but we have on perusal of the case diary found that even no sample was taken from the alleged dag numbers to show prima facie poppy cultivation in the said land.

In view of such conspectus, the petitioner is entitled to get benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under Narcotic Drugs and Psychotropic Substances Act, Malda and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further 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 anticipatory bail being CRM 2571 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)

