

23.09.2021

CRM 2577 of 2021

Court No.28
Item No.164
(Allowed)

(Via Video Conference)

Akd
&
As

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Special Case No. 26/2016 (ref:- S.I.'s S.L. no. 23/15-16 dated 14.01.2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of : **Tarosh Mandal @ Taresh Chandra Mandal & Anr.**
...Petitioners.

Mr. Mounick Ghosh.

...For the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Datta.

...For the State.

Apprehending arrest in connection with Special Case No. 26/2016 (ref:- S.I.'s S.L. no. 23/15-16 dated 14.01.2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 18(c)/8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that the petitioner no. 2 does not press the application for anticipatory bail.

Therefore, the prayer for anticipatory bail as regards petitioner no. 2, Bihari Mandal @ Bihari Lal Mandal, is dismissed as not pressed.

The petitioner no. 1 has prayed for anticipatory bail on the ground that according to the prosecution case the poppy cultivation was made in three big plots of land. However, the said plots of land are standing in the name of different persons including the petitioner. The poppy cultivation was not taken and seized by the Investigating Officer from the specific portion of the plot owned by the petitioner. Charge sheet has been submitted. Therefore, he may be granted anticipatory bail.

The learned Public Prosecutor-in-Charge, on the other hand, submits that the charge sheet has been submitted on receipt of the

chemical examination report, which means the samples were taken from the disputed plots of land owned by the petitioner.

Even if the petitioner's case is disbelieved and it is accepted that the poppy cultivation was found on all the three plots standing in the name of the petitioner jointly with others, the custodial interrogation may not be necessary since the charge sheet has been submitted and there does not appear any reasonable ground to apprehend that the petitioner would abscond.

Accordingly, in the event of arrest, the petitioner no. 1, Tarosh Mandal @ Taresh Chandra Mandal, 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 Special Judge, N.D.P.S. Act, Malda subject to the condition that the petitioner will appear before the Trial Court on every date of hearing and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event, the petitioner no. 1 fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without further reference to this Court.

The application for anticipatory bail, being **CRM 2577 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)