

23.09.2021

Court No.28
Item No.188
(Allowed)

As
&
Akd

**CRM 2938 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Special Case No.109 of 016 (Ref: S.I.'s S.L.No.133/15-16 dated 17.02.2016) of Excise, Sadar R.P.U., Malda under Sections 8(b)/29/46/18(c) of the N. D. P. S. Act.

And

In the matter of : **Kulsum Bibi @ Gudhi.**

...Petitioner

Mr. Mounick Ghosh.

...For the Petitioner

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanik.

...For the State.

Apprehending arrest in connection with Special Case No.109 of 016 (Ref: S.I.'s S.L.No.133/15-16 dated 17.02.2016) of Excise, Sadar R.P.U., Malda under Sections 8(b)/29/46/18(c) of the N. D. P. S. Act, the petitioner has filed the instant application for anticipatory bail.

The petitioner is entitled to the same benefit as other similarly placed. There is no dispute that at least another co-accused person was granted anticipatory bail by this Court on June 18, 2020 in CRM 4079 of 2020.

Though the State says that the petitioner has been absconding for a considerable period of time, considering the nature of the charges and the fact that the charge-sheet has already been filed, there may not be any immediate need to take the petitioner into custody.

Accordingly, in the event of arrest, the petitioner should be released on furnishing security of Rs.10,000/-(Rupees ten thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event, the petitioner 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 2938 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)