

CRM 5404 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Md. Samirul Sekh**

..... petitioner

Mr. Santanu Deb Roy

.....For the petitioner

Mr. Binay Panda

Mr. Subham Bhakat

.....For the State

Apprehending arrest in connection with S.I.s S.L. No. 51/15-16 dated 6.2.2016 Chanchal Excise Circle, Malda under Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The complaint was lodged against 89 persons in the concerned locality. Many co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail. Upon completion of investigation, charge sheet has also been submitted and as such, custodial detention is not warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that the petitioner is the owner of one of the plots of land. In view of such

incriminating materials on record, he is not entitled to relief, as prayed for.

Having heard learned advocates of the respective parties and considering the materials in the case diary, nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted more so when upon completion of investigation, charge sheet has been filed.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Md. Samirul Sekh** 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, the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 5404 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)