

16.12.2021
Court No.32
rpan / 572

CRM 5615 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Md. Samsuddin @ Samsuddin Mia**

- Petitioner

Mr. Mrityunjoy Chatterjee

... for the Petitioner.

Mr. Imran Ali,

Mr. Mirza Firoj Ahmed Begg

... for the State.

Apprehending arrest in connection with Baishnabnagar Police Station Case No.90 of 2016 dated 14.02.2016 under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations are omnibus in nature and upon completion of investigation charge sheet has also been submitted. In view thereof, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the opium found to have been cultivated has already been destroyed. The petitioner has been implicated for being the owner of a plot amongst large tracts of land. Considering the 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 necessary, moreso 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. Samsuddin @ Samsuddin Mia** 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 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 attend the learned court below on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 5615 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.)