

21.09.2021

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. 5961 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **159** of **2021** dated **13.06.2021** under Sections 20(b)/29(b) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Mijanul Sarkar @ Mijanul Haque Sarkar @ Ghentu @ Gandu.
..... petitioner

Mr. Jisan Iqubal Hossain

.....for the petitioner

Ms. S. Dutta

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He contends that, initially 5 kgs. of 'ganja' was seized from the co-accused person. Apparently, the petitioner made a statement which lead the police to seize 7.5 kgs of 'ganja'. Even adding the two quantities, they are below the commercial quantity. No other material was seized from the possession of the petitioner.

Learned advocate appearing for the State submits that, 7.5 kgs of 'ganja' was seized from the house of the petitioner.

Considering the facts and circumstances of the case and considering the materials in the case diary and considering the

fact that the police submitted charge-sheet and considering the fact that the quantum of material seized is below the prescribed commercial quantity, we grant anticipatory bail to the petitioner.

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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)