

02.12.2021

Court No.32

rpan / **512**

CRM 7084 of 2021

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

And

In Re : **Lalchand Sekh & Others**

- Petitioners

Mr. Mrityunjoy Chatterjee,

Md. G. N. Imrohi

... for the Petitioners.

Mr. Sanjoy Bardhan,

Mr. Saryati Datta

... for the State.

Apprehending arrest in connection with Raninagar P.S. Case No.438 of 2021 dated 02.10.2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioners have filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that no contraband substance was recovered from the possession of the petitioners and their names have transpired on the basis of the statements of the co-accused persons. In view thereof, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Bardhan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the seizure list and submits that contraband substance above commercial quantity was recovered from the possession of other co-accused persons. Answering to a query of this Court, he submits that the owner of

the vehicle is one Ayub Ali. A report to that effect, as produced, be kept on record.

Heard the learned advocates and considered the materials in the case diary and since it appears that no contraband substance above commercial quantity was recovered from the possession of the petitioners and their names have transpired on the basis of the statements of the co-accused persons, the rigours of Section 37 of the N.D.P.S. Act are not attracted. In view thereof, we are of the opinion that the petitioners are entitled to the privilege of anticipatory bail and their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Lalchand Sekh, 2. Minahaj @ Minhaj Khan @ Dukhu, 3. Sujauddin Mondal @ Ainul Haque** and **4. Tofajul Sk @ Tufajul Hossain** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 with further conditions that the petitioners shall meet with the Investigating Officer once a week on and from 6th December, 2021 until investigation is over. The petitioner nos. 1 and 2 shall not leave the jurisdiction of Domkal Police Station and the petitioner nos.3 and 4 shall not leave the jurisdiction of Jalangi Police Station and Raninagar Police Station respectively, save and except for meeting with the Investigating Officer of the case and for attending the Trial Court on the dates specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 7084 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.)