

11.03.2021
Item No.05
Ct.No.28
Subha
Allowed

C.R.M. 8100 of 2020
(Via Video Conference)

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

In the matter of : **Abdul Miah.**

.. Petitioners.

Ms. Jeenia Rudra
Ms. Saheli Dey.

..... For the Petitioner.

Mr. Binoy Panda
Ms. Puspita Saha

... For the State.

Apprehending arrest in connection with Gangarampur Police Station Case No. 258 of 2020 dated 04-08-2020 under Sections 22(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been filed.

Ms. Rudra, learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and he has been falsely implicated in the instant case on the basis of the statement of the co-accused from whom seizure has been effected.

Mr. Panda, learned advocate appearing for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner was present when the seizure was effected but fled away from the spot. The further case of the State is that the petitioner is the owner of the house.

We have perused the materials on record available in the case diary including the order dated 18th September, 2020, wherein it has been observed:

“The case started against the petitioners is on the ground that the petitioners were the joint owners of the building where the seizure was effected. The case is not of the petitioners being in joint possession of the contraband and having fled from the place of seizures upon noticing the raiding party.”

Having regard to the fact that the petitioner is the joint owner of the property along with one Mustafa @ Mostafa Mia, who has been granted anticipatory bail in CRM 6305 of 2020, we are of the opinion that the petitioner is on the same footing as the other accused who have been extended the privilege of anticipatory bail.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Abdul Miah** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

The application for anticipatory bail, being CRM 8100 of 2020 is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)