

25.02.2021
Court No.28
Item No. 24
Krishnendu
Allowed

**C.R.M. 10020 of 2020
(Via Video Conference)**

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

And

In Re : **Manohar Mandal**

Petitioner

Mr. Ramdulal Manna

Mr. Sayan Mukherjee

For the Petitioner

Mr. Apurba Kumar Datta

For the State.

Apprehending arrest in connection with Gazole P. S. Case No. 80 of 2016 dated 16.02.2016 under Section 18B of the Narcotic Drugs and Psychotropic Substances Act, 1985 for violation of section 8(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Special Case No. 114 of 2016), the petitioner has filed the present application.

The learned advocate for the petitioner submits that the petitioner along with forty-nine persons was implicated in the instant case and the allegations are that they are the land owners wherein poppy plants were being cultivated. Additionally, the learned advocate submits that he is innocent of the charges and has never been involved in clandestine cultivation.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this

Court to the report of the B.L. & L.R.O., Gazole Block, as called for. Let the same be kept with the record.

We find that similarly placed accused person has been granted the benefit under section 438 of the Code of Criminal Procedure *vide* CRM No. 4844 of 2019.

Having regard to the fact that the petitioner is similarly placed as the person, who has been granted anticipatory bail, we are inclined to extend the same benefit to the present petitioner. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, viz. **Manohar Mandal**, 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 and with a further condition that the petitioner shall meet with the Officer-in-Charge, Gazole Police Station once a week on and from 1st March, 2021 until further orders.

The application for anticipatory bail, being CRM 10020 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.)