

28.04.2021

22

AN/ Ct. No. 1

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 234 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 261/2019 dated 15.11.2019 under sections 21(c)/29 of the N.D.P.S. Act, 1985 in connection with NDPS Case No. 86/2019.

And

In the matter of : **Alamgir Mia & Ors.** **... Petitioners**

Mr. Arnab Saha

... for petitioners

Mr. Aditi Shankar Chakraborty, learned A.P.P.

Mr. Aniruddha Biswas

... for state.

The petition under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Alamgir Mia and Ors.** is taken up for hearing and order.

Mr. Saha, learned advocate appears on behalf of petitioners, who seek anticipatory bail. He submits, sections applied are section 21(c)/29 of the NDPS Act, 1985. There was no recovery from his clients. They have been implicated on statement of co-accused. He relies on order dated 3rd October, 2018 of coordinate Bench in CRM 5643/2018 and submits, the prayer be granted.

Mr. Chakraborty, learned advocate and A.P.P. appears on behalf of State and opposes the prayer. He hands up case diary. He submits, there is bar of section 37 for offences involving commercial

quantity. However, in fairness he submits, there was no recovery from petitioners.

We have perused the case diary and in view of submissions recorded above, we are inclined to grant the prayer.

Accordingly, we direct that in event of arrest petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only each with two sureties of like amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 234 of 2021 is disposed of.

(Arindam Sinha, J.)

(Rajarshi Bharadwaj, J.)