

16.12.2021
Court No.01
Item No. 65
Allowed
sg

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 874 of 2021
(Via Video Conference)**

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 of 2019 dated 15.11.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sirajul Mia @ Md. Sirajul Mia**

Petitioner

Mr. Hillol Saha Podder

For the Petitioner

Mr. Nilay Chakraborty

Mr. Sourav Ganguly

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and there was no recovery of contraband articles from the custody of the petitioner. The petitioner has been implicated on the basis of the statement of the co-accused. The learned Counsel has relied upon two coordinate Benches orders passed in CRM 5643 of 2018 dated 3rd October, 2018 and in CRM 234 of 2021 dated 28th April, 2021 and submits that the petitioner stands on the same footing as that of the aforesaid two accused persons.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that although nothing was recovered from the petitioner but there were statements from the local people suggesting that the petitioner is involved in across-boarder truck trafficking.

Having considered the materials available on record and bearing in mind the nature and complicity of the petitioner in the commission of alleged offence and also having regard to the fact that the accused persons similarly placed as that

of the petitioner were granted bail by the co-ordinate Benches, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sirajul Mia @ Md. Sirajul Mia**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall meet the Officer-in-Charge of the Sitalkuchi Police Station one in a month and shall attend the learned Court below on each and every date fixed for hearing. In default, the learned Trial Court shall be at liberty to cancel the bail without any further reference to this Court and the petitioner shall not leave the jurisdiction of the concerned Police Station without the express leave of the learned Court.

The prayer for anticipatory bail is allowed and CRM 874 of 2021 is accordingly, disposed of.

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

(Biswajit Basu, J)

(Soumen Sen, J)