

10.03.2022
Item no. 02
Court No.32
Avijit Mitra

C.R.M. (A) 134 of 2022

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

And

In Re : Md Sukru Sk

.... petitioner

Mr. Santanu Deb Roy,
Mr. Dipankar Guha,

...for the petitioner

Mr. Saryati Datta

....for the State

Apprehending arrest in connection with S.I.s S.L. No.50/15-16 dated 4.2.2016 under Sections 18(c)/8(b) of the NDPS Act, the present application has been preferred.

Mr. Deb Roy, learned advocate appearing for the petitioner submits that the earlier direction of this Court has been complied with by the petitioner and he has met with the concerned official.

He further submits that the petitioner has been roped in on a purported plea that he was cultivating opium poppy on a plot of land. The petitioner has throughout cooperated with the investigation and in the said conspectus, custodial interrogation may not be necessary more so when, the prosecution report has been submitted.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He, however, does not

dispute that the petitioner has cooperated with the investigation. Let the documents, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties.

It appears from the documents produced that the petitioner duly appeared before the concerned officer and recorded his statement under Section 161 of the Code categorically denying the allegation that he was cultivating opium on the concerned plot of land. Considering the nature of accusations and the fact that opium found to have been cultivated has already been destroyed and since the petitioner has cooperated with the investigation, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Md Sukru Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 134 of 2022 is 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.)