

15.02.2022

Court No.32
rpan / **37**

CRM (A) 266 of 2022

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

And

In Re : **Emajuddin Ahmed & Another**

- Petitioners

Mr. Mounick Ghosh (through v.c.)
... for the Petitioners.
Mr. Tapandeb Nandi,
Mr. Antarikhya Basu
... for the State.

Apprehending arrest in connection with Baishnabnagar Police Station Case No.86 of 2016 dated 13.02.2016 under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [corresponding to Special Case no.83 of 2016], the petitioners have filed the present application.

Mr. Ghosh, learned advocate appearing for the petitioners submits that the petitioners have been roped in on a purported plea that they are the owners of certain plots of land in which poppy plants were cultivated. A co-accused person similarly situated with the petitioners had already been enlarged on bail. The petitioners have no manner of involvement in the alleged offence. Their names have transpired on the basis of the statements of villagers as recorded under Section 161 of the Code.

Answering our query, Mr. Basu, learned advocate appearing for the State submits that there is no report of the Block Land & Land Reforms Officer and that upon completion of investigation charge sheet has already been submitted.

Prima facie, the materials on record do not disclose that the petitioners are in any manner connected with the plots of land used for poppy cultivation. It also transpires that there had been no quantification of the contraband. Considering the nature of accusations, we are of the opinion that custodial interrogation of the petitioners is not necessary, more so when, upon completion of investigation, charge sheet has already been submitted. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Emajuddin Ahmed** and **Hamijuddin Mondal @ Hamijuddin Mandal @ Hamijuddin Aahammed** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 266 of 2022 is, thus, 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.)