

CRM(A) No.556 of 2022

Via video conference

08.03.22

(S.R.)

Sl.25

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Special Case No.81 of 2016 arising out of S.I.s S.L. No.101/ 15-16 dated 11/02/2016, under Sections 18(c) of the NDPS Act for violation of Section 8(b) of the NDPS Act;

And

In re: Arun Mandal @ Arun Kumar Mandal ... petitioner.

Ms. Minoti Gomes

Mr. Kalidas Saha

... for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been roped in on a purported allegation that he has utilized a plot of land for poppy cultivation. There had been no identification of the plot numbers. Upon completion of investigation charge sheet has already been submitted and as such, custodial detention of the petitioner, who is presently aged about 65 years, may not be necessary.

Mr. Banerjee, learned advocate appearing for the State, however, opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner. Upon completion of investigation charge sheet was submitted in the year 2016 and the petitioner had been absconding.

The prosecution case is that there had been a wide scale cultivation of poppy over large tracks of land and allegedly the petitioner was owning a plot. The opium cultivated had also been destroyed by now. Documents in the case diary, as produced, however, reveal that the petitioner cooperated with the investigation and his statement was also recorded on 5th August, 2016. In the said

conspectus, we are of the opinion that custodial interrogation of the petitioner at this stage is not necessary. The petitioner is also an aged person and as such, *prima facie*, there is no possibility that he would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses 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 his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.556 of 2022 is, accordingly, 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.)