

CRM (A) 572 of 2022

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 01.02.2022 in connection with Kaliachak Police Station Case No. 41 of 2016 dated 28.01.2016 under Sections 18 of the NDPS Act.

-And-

In the matter of : **Kartik Pramanik**

... ...Petitioner

Mr. Avinaba Patra, Advocate
Mr. Partha Sarathi Das, Advocate
Ms. Souraja De, Advocate

... ... For the Petitioner

Mr. T.D. Nandy, Advocate
Mr. Antarikhya Basu, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of the other co-accused who was granted anticipatory bail by the Coordinate Bench on August 12, 2021 in CRM 1248 of 2021.

Learned Advocate appearing for the State submits that the petitioner cannot be claim parity with the other co-accused. He refers to the materials in the case diary. He draws the attention of the Court to the record of rights and the statement of the Pradhan and Upa-Pradhan recorded under Section 161 of the Code of Criminal Procedure. According to him, the report of the Block Land & Land Reforms Officer and the Pradhan and the Upa-Pradhan squarely implicates the petitioner.

The Coordinate Bench granted anticipatory bail to the accused therein on August 12, 2021 passed in CRM 1248 of 2021 after considering that no person was arrested from the spot, and that the investigating agency collected the names of the plot holders from the Revenue Inspector and Amins of the officer of the local B.L. & L.R.O. The Coordinate Bench also noted the names who were not made parties.

There was evidence collected against the petitioner that he was involved in the cultivation of poppy in his plots of land. The similar materials in the case diary were available to the Coordinate Bench when their Lordship granted anticipatory bail on August 12, 2021 in CRM 1248 of 2021. Therefore, in view of the judicial discipline, it would be appropriate not to reappraise the same materials in the case diary. The petitioner is also named in the same statements of the Pradhan and Upa-Pradhan as that of the other persons who was granted anticipatory bail by the Coordinate Bench. Consequently, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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 and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail is allowed.

CRM (A) 572 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)