

15.03.2022
Item no. 22
Court No.32
Avijit Mitra

C.R.M.(A) 666 of 2022

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

And

In Re : Muntaz Sekh @ Sk & ors.

.... Petitioners

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk.

...for the petitioners

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu

....for the State

Apprehending arrest in connection with English Bazar Police Station Case No.399 of 2020 dated 11.05.2020 under Section 27 of the Drugs and Cosmetic Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are the local residents under the jurisdiction of English Bazar Police Station and they have been falsely implicated. No contraband substance was recovered from their possession and their names have transpired on the basis of co-accused's statement, which is inadmissible in evidence. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioners may not be necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioners fled away from the place of occurrence.

Heard the learned advocates appearing for the respective parties.

It appears that there had been no recovery of contraband substance from the possession of the petitioners and that their names have transpired on the basis of co-accused's statement. As such, *prima facie* the statutory restrictions are not attracted. In view thereof, the petitioners' prayer for anticipatory bail is allowed more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Muntaz Sekh @ Sk, Rahimul Sekh @ Sk., Md. Hefjul @ Ejajul Sekh, Md. Mamun @ Mamun Sk., Md. Kalu @ Kalu Sk. and Sabiul Sk. @ Sabir Sk @ Md. Sabir @ Sabbir Ali** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 with the further condition that the petitioners shall not leave the jurisdiction of English Bazar Police Station until further orders save and except for attending the learned Court below on all the dates as specified for hearing.

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

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 666 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.)