

20.01.2022
Ct. No. 32
Sl. No.264
sdas

C. R. M. 8163 of 2021
[via video conferencing]

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

And

In Re: *Tahajot Sk.*

... .. Petitioner

Mr. Mrityunjoy Chatterjee

... .. for the petitioner

Mr. Ranabir Roy Chowhdury

Mr. S. Ghosh

Mr. Bitasok Banerjee

... .. for the State

Apprehending arrest in connection with Domkal Police Station Case No. 122 of 2010 dated 05.03.2010 under Section 18 of the Narcotic Drugs and Psychotropic Substance Act, this application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner, submits that petitioner is not the owner or occupier of the plots of land in which poppy was allegedly cultivated. His name has transpired on the basis of co-accused statements. Upon completion of investigation charge-sheet has also been filed and as such custodial interrogation is not necessary.

Mr. Roy Chowhdury, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner had been absconding for a substantial period of time. The charge-sheet was submitted in the year, 2016 and three days prior to issuance of proclamation, the petitioner has preferred the present application.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The materials in the case diary do not reflect that there had been any quantification of the contraband articles and the nature of allegations are under Section 18 of the NDPS Act. Prima facie, the statutory restrictions are not attracted and there is no material to reveal that the petitioner is the owner of the plots where poppy was cultivated. Upon completion of investigation charge-sheet has also been submitted. In view thereof, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, *Tahajot Sk.* shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the Arresting Officer and also 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 not enter into the jurisdiction of Islampur Police Station until further orders.

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

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel his bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8163 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)