

11.01.2022
Item no. 56
Court No.32
Avijit Mitra

C.R.M. 8219 of 2021 (Through Video Conference)

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

And

In Re : Mithun Sk. @ Mithun Miya & anr.

.... petitioners

Mr. Amitabha Karmakar,

Mr. Arup Kumar Bhowmick

....for the petitioners

Mr. Ranadeb Sengupta

..... for the State

Apprehending arrest in connection with Kaliachak Police Station Case No.82 of 2017 dated 01.02.2017 under Sections 188 of the Indian Penal Code and 27 (A) of the Drugs and Cosmetic Act, the present application has been preferred.

Heard Mr. Karmakar, learned advocate appearing for the petitioners and Mr. Sengupta, learned advocate appearing for the State.

It appears that no contraband substance above commercial quantity was recovered from the petitioners and that their names have transpired on the basis of the statement of the villagers. In view thereof, the rigors of Section 37 of the N.D.P.S. Act are not attracted and custodial interrogation of the petitioners is not warranted more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Mithun Sk. @ Mithun Miya and Samu @ Md. Samuruddin Mia** 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.

The petitioners shall attend the learned Trial Court 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.

The application for anticipatory bail being C.R.M. 8219 of 2021 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.)