

In The High Court At Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Present:

The Hon'ble Mr. Justice Jayanta Kumar Biswas
and
The Hon'ble Mr. Justice Indrajit Chatterjee

CRM No.4816 of 2014
Dishadul Sk @ Disadul Shaikh @ Ishadul Sk @ Isadul Sk.
v.
The State of West Bengal

Mr. Somnath Adhikary ... for the petitioner.

Mr. Arijit Gangully ... for the State.

Heard on: April 3, 2014.

Order on: April 3, 2014.

Jayanta Kumar Biswas, J:- The petitioner in the CRM saying that he is apprehending arrest in connection with Kaliganj P.S. Case No.173 of 2013 dated March 17, 2013 under s.21(b) NDPS Act is seeking bail under s.438 CrPC.

Advocate for the petitioner has submitted as follows. Nothing was seized from the petitioner. Twenty-two gram heroin was seized from one Sadem Ali Sk. This court has granted Sadem bail. The petitioner has been implicated only on the basis of Sadem's statement. The charge-sheet has been submitted. Hence the petitioner is entitled to anticipatory bail.

Advocate for the State producing the case diary has submitted that the petitioner was manufacturing heroin with Sadem at his house; and that the offence is very serious.

The order of this court granting Sadem bail in CRM No.2927 of 2014 is quoted below: –

“The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is submitted by the learned advocate for the petitioner that the accused/petitioner is in custody for about one year and the investigation is complete. Therefore, further detention of the petitioner is not necessary.

Having considered the case diary and the materials on record and, particularly, when the petitioner is in custody for about one year and the investigation is complete and in considering the fact that medium quantity of contraband article was recovered from the possession of the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary and he may be granted bail.

Therefore, the accused/petitioner, namely, Sadem Ali Sk. alias Chadem, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the Narcotic Drugs and Psychotropic Substances Act, 1985 at Krishnagar, District: Nadia, on condition that the petitioner shall attend the court on each and every occasion unless prevented by sufficient cause.”

The prosecution case is that from Sadem who was manufacturing heroin with the petitioner twenty-two gram heroin was seized. Sadem was granted bail on the grounds that his further detention was not necessary, because he was in custody for about one year and the investigation had been completed. The petitioner was and still is at large. The accusation is that he was manufacturing and selling heroin. From his associate twenty-two gram heroin was seized. The offence is a very serious one.

Having regard to the gravity of the offence, we are of the opinion that the petitioner is not entitled to claim equality benefit, because Sadem was granted regular bail considering the period of detention. In our opinion, it is not a case for anticipatory bail at all.

For these reasons, we dismiss the CRM. Certified xerox.

(Jayanta Kumar Biswas, J.)

S.R.

(Indrajit Chatterjee, J.)