

18.06.2019.
Item No.27
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 24 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 15.03.2019 in connection with NDPS Case No. 34 of 2018 arising out of NCB Crime No. 44/NCB/KOL/2018 for commission of offence punishable under Sections 8(c)/20(b)(ii)(C)/29 of the NDPS Act, 1985;

And

In the matter of : Jahidur Sarkar @ Bhola and another.
... petitioners.

Mr. Kalipada Das. ...For the petitioners.

Mr. Rajdeep Biswas. ...For the NCB.

Heard the learned Advocates appearing on behalf of the parties.

The petitioners have presented the instant application under Section 438 of the Code of Criminal Procedure as they have been falsely implicated in connection with NDPS Case No. 34 of 2018 arising out of NCB Crime No. 44/NCB/KOL/2018 for commission of offence punishable under Sections 8(c)/20(b)(ii)(C)/29 of the NDPS Act, 1985.

The learned Advocate for the petitioners at the very outset submits that they are not the named FIR persons but have been implicated as two of the other co-accused have falsely disclosed their names. It is further submitted that the Investigating Officer has misinterpreted the nick name of the

petitioner no. 1 and, therefore, they are entitled to anticipatory bail.

After perusing the materials from the case diary including the statement of the co-accused and considering the gravity of such statement, we do not feel that it is a fit case where the petitioners shall be granted anticipatory bail.

The application for anticipatory bail of the petitioners is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)