

10.06.2021
Court No.28
SL No.23
PJ/KC

**CRM 2058 of 2021
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak P.S. Case No. 340/2019 dated 17.6.2019 under Sections 18(c)/21(c) of the NDPS Act;**

And

In the matter of: **Saba Sk. @ Saba Karim,**

....Petitioner.

Mr. Biswajit Tiwari,

... for the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Kaliachak P.s. Case No. 340/2019 dated 17.6.2019 under Sections 18(c)/21(c) of the NDPS Act.

The application under Section 438 Cr.P.C. has been filed principally on the ground that the petitioner was not found present at the time of raid and recovery of contraband.

The petitioner has been included in the investigation as an accused primarily on the basis of the statement of co-accused.

This Court is of the view that merely because the petitioner has been named by a co-accused, and merely because the petitioner was not physically present at the time when the seizure was made, does not mean that there is no case against him.

In view of the above, the application under Section 438 of the Cr.P.C. is rejected.

CRM 2058 of 2021 is accordingly dismissed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)