

C.R.M. 4690 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** P.S. Case No. 120 of 2021 dated 01.07.2021 under Sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of: Liton Sk @ Litan Shaikh

....petitioner.

Mr. J. I. Hossain

...for the petitioner.

Mr. S. G. Mukherjee, Ld. PP.

Mr. A. Mukherjee

Ms. M. Sharma

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case and no contraband was recovered from the possession of the petitioner. The petitioner was said to be implicated on the basis of the co-accused statement. Statement of the co-accused does not have any evidentiary value. Referring the contents of the First Information Report, he submits that it is alleged that the petitioner inspired the accused to carry on the business.

Learned Advocate appearing for the State draws the attention of the Court to the contents of the case diary.

Considering the gravity of the offences and considering the involvement of the petitioner as appearing from the materials in the case diary and considering the relationship between the petitioner and the co-accused being the son and the father, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioner.

The application for anticipatory bail being C.R.M. 4690 of 2021 is, thus, rejected.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)