

CRM 6532 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sajem Sk. @ Sajem Ali Khan**
..... petitioner

Ms. Rita Patra
.....For the petitioner

Mr. Ranadeb Sengupta
.....For the State

Apprehending arrest in connection with Domkal Police Station Case No. 122 of 2010 dated 05.03.2010 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been preferred.

Learned lawyer appearing for the petitioner submitted that the present petitioner is neither the owner of the land nor a cultivator of poppy. No incriminating elements are there, but the petitioner is falsely implicated. Therefore, bail is prayed for.

Per contra, learned lawyer representing the State submitted that it transpired from the statements of the witnesses of the present petitioner was a lessee in respect of one of the plots of land in question and used to cultivate poppy. The present petitioner is absconding for which charge could not be framed against the present petitioner. However, he submitted that 3rd December, 2021 was fixed for framing of charge against the other co-accused.

Heard learned advocates appearing for the respective parties and perused the case diary. We find that there are incriminating elements directly implicating the present petitioner with the alleged crime. The petitioner is absconding.

Therefore, considering the nature of allegations, extent of incriminating elements and the fact that the present petitioner is absconding on being indicted of a very serious offence and further that there is no apparent reason to believe that the present petitioner is innocent, we are not inclined to allow the anticipatory bail and the same stands rejected.

The application, being CRM 6532 of 2021 is dismissed.

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.)