

14.12.2021
SL No.40
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1079 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.118 of 2019 dated 14.03.2019 under Sections 20(b)(ii)(c)/20 of the NDPS Act.

And

In the matter of : **Saidul Haque @ Sahidul Haque**

- Petitioner.

Mr. Anuran Samanta,
... For the Petitioner.

Mr. Abhijit Sarkar
Mr. Sourav Ganguly,
... For the State

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of the statement of a co-accused which is inadmissible in evidence. However, in all fairness, the learned Counsel has referred to the orders of the two Coordinate Benches where the prayer for anticipatory bail was rejected.

The learned Counsel for the State submits that there has been no change in circumstances after 19th August, 2019 on which the prayer for anticipatory bail could be considered. It is further submitted that incriminating materials are available against the petitioner.

Having considered the materials available on record and bearing in mind the orders passed by the Coordinate Benches on 23rd April, 2019 and 19th August, 2019, where it was recorded that the narcotic substance above the commercial quantity was transported in the vehicle, which stood in the name of the petitioner as the plea with regard to the sale of the said vehicle does not appear to be convincing in the facts of the case, the prayer for anticipatory bail was rejected in view of the fact that there is no change in circumstances after 19th August, 2019 when the prayer for anticipatory bail of the petitioner was heard and dismissed last. We do not find it to be a fit case to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM No.1079 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)