

CRM (A) 2417 of 2022

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 23.05.2022 in connection with Hili Police Station Case No. 62 of 2022 dated 14.03.2022 under Sections 21(c)/22(c)/23(b)/27A of the NDPS Act.

And

In the matter of: **Taimuddin Akanda @ Akanda Taimuddin.**
.... Petitioner

Ms. Jeenia Rudra.

...for the petitioner.

Md. Anwar Hossain,
Ms. Benajir Hasna.

... for the State.

Learned Counsel appearing for the petitioner contends that the petitioner is being sought to be apprehended merely on the statement of a co-accused. It is further submitted that although the SIM Cards of the petitioner's mobile phone might have been recovered from the spot, the petitioner was, in no way, connected with the alleged offence, as evident from the materials on record.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail on the basis of an order dated 12th May, 2022 passed by a co-ordinate Bench in CRM (A) 1993 of 2022, whereby the application for anticipatory bail of a co-accused, standing on a similar footing, was refused. It is further submitted that since the petitioner stands on a similar footing, the present application also ought to be rejected.

Upon considering the materials on record and hearing learned Counsel for both the parties, we do not find any distinguishing factor between the footings on which the other co-accused, who was refused anticipatory bail, and the present petitioner stand. Hence, there is no scope of granting the relief of anticipatory bail to the petitioner.

Accordingly, CRM (A) 2417 of 2022 is rejected.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)