

08.08.2022
Serial no.3
Aloke

CRM (A) 3640 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Suti Police Station Case No.49 of 2022 dated 26.01.2022 under Sections 22(c)/29 of the NDPS Act, 1985.

-And-

In the matter of : **Alim Sk @ Abdul Alim Sk & Anr.**

... .. Petitioners

Ms. Minoti Gomes, Advocate

Ms. Sweta Bhatta, Advocate

... .. For the Petitioners

Mr. Sanjay Bardhan, Advocate

Ms. Baishakhi Chatterjee, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that no narcotics was recovered from the possession of the petitioners. The petitioners are sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The police filed charge-sheet. The petitioners were granted either bail or anticipatory bail in other police cases.

Learned Advocate appearing for the State refers to the charge-sheet and submits that the charge-sheet refers that warrant of arrest/warrant of proclamation of attachment were issued against the petitioners.

Learned Advocate appearing for the State refers to the report dated July 28, 2022 and submits that there are a number of criminal antecedents so far as the petitioners are concerned. There are number of police complaints as against the petitioners in diverse Police Station.

In the present case, charge-sheet was submitted with the noting that the warrant of arrest/warrant of proclamation of attachment were issued against the petitioners.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the contents in the charge-sheet and considering the criminal antecedents of the petitioners, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is rejected.

CRM (A) 3640 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)