

22.12.2022
Serial no. 05
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 5891 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS case no. 144 of 2021** arising out of **Kaliachak** Police Station Case No. **1429** of **2021** dated **24.12.2021** under Sections **21(C)/22(C)/27(A)/29** of the NDPS Act.

-And-

In the matter of : **Md. Sariful Islam @ Kalu**
... ..**Petitioner**

Mr. Sudip Banerjee,
Mr. Sanjoy Kumar Das, Advocate
... .. For the Petitioner

Mr. Rudradipta Nandy,
Ms. Sonali Das, Advocate
... ..For the State

Petitioner claims parity with that of other co-accuseds enlarged on anticipatory bail.

So far as the petitioner is concerned, there are five criminal cases pending. The criminal cases relate from April 30, 2020 onwards.

It is submitted on behalf of the petitioner that the petitioner was not aware of such criminal cases.

The criminal cases involve NDPS Act, 1985.

In such circumstances, we are of the view that the petitioner is not on the same footing as that of the other co-accuseds. In any event, petitioner is unable to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 5891 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)