

**15.03.2023**

**Serial no. 05**

[Dd]

(Anticipatory bail)

**(Rejected)**

**CRM (A) 853 of 2023**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1240** of **2022** dated **05.08.2022** under Sections **21(c)/29** of the NDPS Act, 1985 corresponding to NDPS case no. 107/2022.

-And-

In the matter of : **Ashadul Seikh @ Asadul Sk.**

... ..**Petitioner**

Mr. Rana Mukherjee,

Mr. Rhiddhiman Mukherjee, Advocates

... .. For the Petitioner

Mr. Sanjoy Bardhan,

Ms. Baishakhi Chatterjee, Advocate

... ..For the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title of the petition.

Report as called for by the order dated February 28, 2023 filed in Court be taken on record.

It transpires from the report that, co-villagers stated that, the petitioner is involved in smuggling. The Border Security Force commandant also made similar remarks against the petitioner.

In such circumstances, we are of the view that the petitioner is unable to overcome the restrictions 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) 853 of 2023** is **dismissed**.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**