

29.03.2023

Serial no. 12

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1217 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **17** of **2023** dated **24.01.2023** under Sections **20(b)/22/29** of NDPS Act, corresponding to NDPS case no. 05/2023 & **14** Foreigners Act.

-And-

In the matter of : **Akbar Biswas**

... ..**Petitioner**

Mr. Asraf Mandal Advocate

... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

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

Report as called for by the order dated March 24, 2023 filed in Court be taken on record.

Learned advocate appearing for the State submits that, the petitioner is being proceeded against under the provisions of the NDPS Act, 1985 in respect of another police case. Prayer for anticipatory bail of the petitioner in such police case was turned down. The petitioner is yet to surrender or to be arrested in respect of such police case.

In view of the criminal antecedent of the petitioner as noted above and in view of his conduct therein as well as the materials in the case diary, we find 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) 1217 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)