

18.08.2023
(D/L 25)
Ct. No.29
Rejected
(SKB)

CRM (A) 3015 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.1313 of 2021 dated 25.11.2021 under Sections 21(c)/22(c)/27A/28/29 of the NDPS Act.

In the matter of : Amin Akhter @ Amim Akhtar @ Boltu
... Petitioner

Mr. Anisur Rahman
... for the petitioner

Mr. Rudradipta Nandy, Id. APP
Mr. Subrato Roy
... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner was not charge-sheeted in the first charge-sheet filed by the IO. The earlier application for anticipatory bail was rejected by this court vide order dated 17.06.2022 in CRM(A) 2836 of 2022. By that time, the first charge-sheet was already filed but such fact was not brought to the notice of this court.
3. The present application for anticipatory bail has been filed on the ground that despite the fact that the petitioner has not been charge-sheeted, the police officers are chasing him.
4. Learned counsel for the State submits that subsequently supplementary charge-sheet has been filed against the petitioner and the present petitioner is stated to be the

principal accused so far as the control of conveyance of the contraband article is concerned. In that regard, the CDR details show continuous touch with the petitioner of the co-accused persons. Further we find from the police papers that there are record of past criminal antecedent against the petitioner in similar cases.

5. Regard being had to such fact and submissions especially, in view of the bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
6. The prayer for anticipatory bail is rejected.
7. Accordingly, CRM(A) 3015 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)