

13.10.2023

SL. 13
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4170 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Malda** Police Station Case No. **359 of 2020** dated **29.06.2020** under Sections **21/29** of the NDPS Act read with Sections **18(b)/27** of Drugs and Cosmetics Act.

And

In the matter of: **Md Sainul Sk @ Saminur Sk**

....petitioner.

Mr. Sandip Dinda

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

...for the State.

1. Heard learned Advocate for both the parties.
2. This is a third application for anticipatory bail by the petitioner after refusal of the relief on two earlier occasions by this Court. This application has been moved on the ground that in the meantime some of the co-accused persons have already been released on bail on the ground of delay in trial.
3. This petitioner being still at large even after rejection of the prayer for anticipatory bail on two earlier occasions has done much harassment and disturbance to the process of justice inasmuch as the commitment has been split up for this petitioner and the Court has to take a second trial for the inadvertence and protracted tactics adopted by the present petitioner.
4. While rejecting the prayer for bail on the ground of absence of supervening circumstance, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 4170 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

