

CRM (A) 5991 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 397 of 2022 dated 16.04.2022 under Sections 21(c)/27(A)/29 of the NDPS Act.

-And-

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

... ... Petitioner

Mr. Sudip Banerjee, Advocate

... ... For the Petitioner

Mr. Ranabir Roy Chowdhury, Advocate

Mr. Sandip Chakraborty, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police are proceeding on the basis of the statement of the co-accused made while in custody. The police filed charge-sheet, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State submits that although charge-sheet was submitted, the petitioner is involved in five separate police cases. Out of the five, in two, warrant of proclamation of attachment and arrest were issued. One was served upon the petitioner.

There are at least five cases as against the petitioner involving the NDPS Act. In one of the cases, proclamation was served upon the petitioner.

In such circumstances, we are of the view that the petitioner is unable to rebut the presumptions under Section 37 of the NDPS Act.

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

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5991 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)