

20.03.2024
Item No.22
Ct. No. 29
CHC
Rejected

C.R.M.(A) 976 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1359** of **2023** dated **13.10.2023** under Sections **21(C)/27A/29** of the NDPS Act.

And

In the matter of : Barun Mandal @ Borun

..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Arijit Ganguli,
Mrs. Trina Mitra
....for the State

Petitioner claims parity with co-accused who was granted anticipatory bail on January 25, 2024 passed in C.R.M.(A) 5109 of 2023.

Learned advocate appearing for the State submits that the petitioner cannot be placed on the same footing as the other co-accused.

In the facts of the present case, the petitioner is being proceeded against on the basis of the statement of the co-accused made while in custody. However, there are five other criminal cases as against the petitioner. One criminal case involves the NDPS Act, another, Explosive Substance Act, third involves Arms Act and fourth one of murder.

Given such criminal antecedents of the petitioner, we are unable to place the petitioner on the same footing as that of other co-accused who was granted anticipatory bail, since in

our view, petitioner is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 976 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)