

01.08.2024

Court No.29

Item No. 19

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CRM (A) 2599 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of Bharatia Nagarik Suraksha Sanhita, 2023 in connection with Swarupnagar Police Station Case No. 262 of 2024 dated 12.05.2024 corresponding to N Case No. 44 of 2024 under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Biplab Biswas**

Petitioner

Mr. Mazahar Hossain Chowdhury

For the Petitioner

Mr. Kunal Ganguly

For the State

1. Learned counsel for the petitioner submits that the petitioner is not a named FIR accused and his name transpired from the statement of the co-accused, which is inadmissible in evidence. It is further submitted that Anizur Mollah, the principal accused, was recently enlarged on bail and the fact that charge-sheet has already been submitted, the prayer for anticipatory bail of the petitioner may be considered.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of two independent witnesses implicating the petitioner for the alleged offence. It is further submitted that CCTV footage, prima facie, disclosing the petitioner's participation in the said offence.
3. Considering the materials available in the case diary and based on the statement of the independent witnesses and the CCTV footage, prima facie, disclosing the involvement of the petitioner in the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.

1. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
2. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)