

03.03.2025
Sl. No.41
akd
[Rejected]

C. R. M. (A) 736 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 25.02.2025 in connection with Goalpokher Police Station Case No.241 of 2022 dated 30.06.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.55 of 2022)

And

In Re: ***Habibul @ Habibur Rahaman***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Debanshu Ghorai

... .. for the State

1. It is submitted on behalf of the petitioner no narcotics was recovered from his possession. He has been falsely implicated. He was unaware of the institution of the proceeding. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had absconded. Prayer for declaring him as proclaimed offender was made and trial has already commenced against co-accused.

3. We have considered the materials on record. One Rajkumar Singha was apprehended by BSF personnel with *phensedyl syrup* while travelling on a scooty. Through his statement, complicity of the petitioner transpired. Petitioner was not available for interrogation during investigation. He had absconded for 2½ years. Prayer for proclamation was filed against him. Trial has commenced against Rajkumar Singha. In light of the nature of crime and petitioner's abscondence, we are not inclined to grant anticipatory bail to him.

4. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)