

07.04.2025
Court No.28
Item No.15
tbsr
Rejected

CRM (A) 1121 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973; Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N case No. 144 of 2021 arising out **Hasnabad** P.S. Case No.**649 of 2021** dated **30.10.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Rabiul Gazi @ Robiul Gaji**

....Petitioner.

Mr. Tanmoy Chowdhury

Ms. Ritoprita Ghosh

...for the petitioner.

Mr. Saryati Datta

Mr. Santanu Talukdar

.....for State

Learned counsel appearing on behalf of the petitioner submits as follows. The FIR was registered in 2021. The petitioner was not named there. The only material available against him is a statement of co-accused. A charge sheet was submitted in 2022. Thereafter, proclamation was issued arbitrarily along with warrant of arrest and order of attachment. The same was set aside by a co-ordinate Bench of this Court on 04.03.2025 in CRR 39 of 2025.

Learned counsel appearing on behalf of the State relies on the case diary, opposes the prayer for anticipatory bail and submits as follows. Apart from the statement of the co-accused, there are statements of neighbours who had categorically stated that the petitioner was a serial offender. He had such illicit business along with one Hamida Bibi. Actually in the instant case, the petitioner was in charge of transport of the contraband. The order of issuance of proclamation was set aside only on technical ground.

It appears that the order of proclamation issued earlier was set aside as the same was done simultaneously with issuance of an order of attachment without assignment of any reason.

However, there had been nothing wrong per se in the orders issuing warrant of arrest.

Considering the materials available in the case diary and in view of the restriction contained in Section 37 of the NDPS Act, I am not inclined to allow the application for anticipatory bail.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)