

23/04/2025

D/L 40
Ct. No.28
S.Kundu
Rejected

C.R.M.(A) 1293 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure in connection with Kaliachak police station case no. 1447 of 2024 dated 13.9.2024 under Sections 21(C)/27A and 29 of the NDPS Act, 1985 read with section 61(2) of the BNS, 2023.

In the matter of: Manirul Islam @ Monirul Islam
@Maina

... Petitioner

Mr. Sabrina Parveen

...for the petitioner.

Mr. S. Bhattacharyya

Mr. Akash Ganguly

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the whole basis on which the petitioner has been made an accused in this case is the statement of the co-accused, which is inadmissible evidence.
2. Learned counsel appearing on behalf of the State relied on the case diary and submits as follows. As per the co-accused, the petitioner was the manufacturer of the contraband articles. There are call detail records which show that the arrested accused and the petitioner were in touch at the relevant time. Besides, there is criminal antecedent for the petitioner. He is still an absconder in respect of Kaliachak Police Station case No. 1575 of 2024 dated 3.10.2024.

3. In view of the incriminating materials available against the petitioner including the call detail records, the fact that he has criminal antecedent and considering the restriction contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the petitioner.
4. Accordingly, the application for anticipatory bail is rejected.
5. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)