

28.04.2025
Court No.28
Item No.45
ssi

CRM (A) 1334 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with NCB Crime No. 02/NCB/KOL/2023 dated 04.07.2023 complaint under Section 8 (c) of the NDPS Act.

And

In the matter of: **Jahidul Dafader**

....Applicant/Petitioner.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the petitioner.

Mr. Himangshu De
Mr. Somnath Adhikary

..for the NCB

Report filed on behalf of the NCB is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The only material available in the case diary is the statement of a co-accused, which is not admissible in evidence. Issuance of proclamation is no more an absolute bar for the grant of anticipatory bail. A co-accused standing on similar footing was granted anticipatory bail.

Learned counsel appearing on behalf of the NCB opposes the prayer for anticipatory bail and submits as follows. The present accused is not standing on the same footing as the one who was granted anticipatory bail. The petitioner has criminal antecedent. Proclamation has also been issued against the petitioner.

It does not appear from the order granting anticipatory bail to the co-accused that the said accused was standing on the same footing as the present petitioner. Neither was it claimed by the

prosecution there that proclamation was issued against him nor was it mentioned that there was criminal antecedent against him.

In view of the prior criminal antecedent of the petitioner, the fact that proclamation had been issued against the present petitioner and in view of the restriction contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Jay Sengupta, J.)