

08.05.2025
Sl. No.16
Ct. 28
NB

C.R.M. (A) 1408 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.TR.53 of 2021 arising out of NCB Crime No.77 of 2021 under Section 8(C) read with Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Sk. Sajahan ... petitioner

Mr. Sabyasachi Banerjee Id.Sr.Adv.,
Mr. Apalak Basu,
Ms. Nahid Ahmed.
...for the petitioner.

Mr. Rajdeep Majumder Id.Sr.Adv.,
Ms. Arushi Rathore.
...for the NCB.

Learned senior counsel representing the petitioner submits as follows. The only material available against the petitioner is the statement of a co-accused, which is inadmissible in evidence. Initially, one James Nayak claimed to be a person coming from another State was allegedly apprehended with some contraband. He named the petitioner's wife and the petitioner as would be recipients of the contraband. The said James Nayak allegedly identified the house of the petitioner. But, this was actually not the house that belonged to the petitioner. It was a case of mistaken identity. The actual culprit was one Anusara Begum @ Baby who was the daughter in law of one Sheikh Sanoyara. The prayer for anticipatory bail of the said Anusara Begum @ Baby was refused. Subsequently, the petitioner and his wife filed applications for

quashing the proceeding before this Court. Initially, an interim relief was granted of not to arrest. However, afterwards the applications were dismissed. In the meantime, the wife cooperated with investigation. It was the Anusara Begum @ Baby's mother in law Sanoyara who was in touch with the co-accused James Nayak. Sk. Sanoyara was granted bail subsequently.

Learned senior counsel representing the NCB submits as follows. Call record details show that there were calls made by the co-accused, James Nayak to the present petitioner at the relevant time. In fact, the phone that was being used by the petitioner was in the name of a person who did not exist. When the NCB officials went to search the house of the present petitioner, they were assaulted by the locals and other antisocials at the behest of the present petitioner. There are three other criminal cases pending against the petitioner. The petitioner has remained absconding for the last three years. The prayer for anticipatory bail of the petitioner's wife who stands of the same footing was rejected by a Division Bench of this Court.

In view of the incriminating materials available against the present petitioner as discussed above 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.

The application for anticipatory bail being **CRM(A) 1408 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

