

AD 38
May 6, 2025
Ct. 28
SG

Reject

CRM(A) 1485 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hogolberia P.S. Case No.0194 of 2024 dated 18.08.2024 under Sections 21(c)/29 of the NDPS Act and Section 14 of the Foreigners Act.

And

In the matter of:

Panju Biswas and others

... petitioners

Md. Wasim Akram
Ms. Reshmi Khatun

... for the petitioners.

Mr. Antarikshya Basu
Ms. Ankita Paul

... for the State

Learned counsel appearing for the petitioners submits that the only thing available against the petitioners is a statement of a co-accused, which is inadmissible in evidence. Charge-sheet has been submitted.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that there was a face-off between the BSF personnel and the smugglers. Shots were fired and the BSF authorities could apprehend five of the accused and the others fled away. Standing on similar footing, the prayer for anticipatory bail of a co-accused viz Karna Kumar Shil was rejected by a Division Bench of this Court on 25.02.2025 in CRM(A) 657 of 2025.

Considering the incriminating materials available in the case diary, the fact that there is a chance of identification of

the petitioners, if apprehended, and the fact that the prayer for anticipatory bail of a similarly circumstanced accused was turned down by this Court earlier, I am not inclined to grant anticipatory bail to the petitioners.

The application for anticipatory bail is, thus, rejected.

(Jay Sengupta, J.)