

02/07/2025

D/L 28

Ct. No.28

S.Kundu

Rejected

**C.R.M.(A) 1860 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 Balurghat police station case no. 658 of 2024 dated 16.8.2024 under sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

In the matter of: Samrat Ali @ Samrat Sk

... Petitioner

Mr. K. Chowdhury

...for the petitioner.

Mr. Rana Mukherjee

Mr. Bikram Mitra

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case on the basis of co-accused's statement, which is inadmissible in evidence and charge-sheet has been submitted.
2. Learned counsel appearing for the State relies on the case diary and submits as follows. The petitioner was named in the FIR. There are three persons who were accosted by the BSF personnel. Two of them fled away. The petitioner is one of them.
3. This is a case where if the two accused had not fled away, identification could have been done. The petitioner has been named in the FIR.
4. Considering the incriminating 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 grant anticipatory bail to the petitioner.

5. Accordingly, the application for anticipatory bail is rejected.

**(Jay Sengupta, J.)**