

03/07/2025

D/L 39

Ct. No.28

S.Kundu

Rejected

C.R.M.(A) 1908 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 Sagarpara police station case no. 474/2024 dated 28.11.2024 under sections 21(c)/29 of the NDPS Act.

In the matter of: Palash Roy @ Polash Roy

... Petitioner

Mr. J.I. Hossain

...for the petitioner.

Mr. Rudra Dipta Nandy

Md. Ejaj Akhter

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is the statement of the co-accused.
2. Learned counsel appearing for the State strongly opposes the prayer for anticipatory bail and submits that the petitioner is similarly circumstanced as one co-accused Baijul Sk @ Bajru Mondal whose application for anticipatory bail was turned down by Division Bench of this Court on 12.2.2025 in CRM (A) 473 of 2025.
3. It appears that when the BSF intercepted the smuggler in question across the international border. Some co-accused were arrested, but the other accused fled away and have remain absconding. Had they been apprehended, they could have been identified. Similar ground was available to the said Bajrul Sk before the

Division Bench. In spite of that, his prayer for anticipatory bail was rejected.

4. Considering the materials available in the case diary and 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.)