

04.07.2025
Sl. No.53
Ct. 28
NB

C.R.M. (A) 1949 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.121/2024 arising out of Sagarpara PS Case No.474/2024 dated 28.11.2024 under Sections 21(c)/29 of NDPS.

And

In the matter of : Mijanur Rahaman @ Mijarul Rahaman & Anr.
... petitioners

Mr. Sandip Dinda.
...for the petitioners.

Mr. Ranabir Roy Chowdhury,
Ms. Eshita Dutta.
...for the State.

Learned counsel appearing on behalf of the petitioners submits that other than the statement of the co-accused, which is inadmissible in evidence, there is no other incriminating material available against the present petitioners.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that the petitioners and others had fled away when the BSF party intercepted the smugglers. Standing on the same footing, the anticipatory bail prayer of a co-accused (Bojlul Sekh) was turned down by a division Bench of this Court on 12.02.2025 in CRM (A) 473 of 2025.

Considering the incriminating materials available against the petitioners and the fact that substantially similarly circumstanced co-accused was denied anticipatory bail by this Court and in view of the restrictions contained in Section 37 of the NDPS Act, I do not

consider this to be a fit case for granting anticipatory bail to the petitioners.

The application for anticipatory bail being **C.R.M. (A) 1949 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.)