

04/09/2025

D/L 62

Ct. No.28

S.Kundu

Rejected

**C.R.M.(A) 2801 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)/24A/28/29 of the NDPS Act.

In the matter of: **Saddam Ali @ Saddam Hossain**

... Petitioner

Ms. Busra Khatun

...for the petitioner.

Name not supplied.

...for the State.

1. Learned counsel appearing for the petitioner submits that apart from the statements of co-accused, which are inadmissible in evidence, there is no other incriminating material available against the petitioner. Charge-sheet has been submitted.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that the petitioner was named in the FIR. There are three persons who were accosted by the BSF personnel. Two of them fled away and the petitioner is one of them. The application for anticipatory bail of another co-accused standing on the same footing was turned down by this Court earlier on 02.07.2025 in CRM (A) 1860 of 2025.

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, the fact that similarly circumstanced co-accused was denied the benefit of anticipatory bail and in view of the restrictions 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.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

**(Jay Sengupta, J.)**