

22.09.2025
Court No.28
Item No.32
tbsr
Reject

CRM (A) 2971 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kumarganj** P.S. Case No. **293 of 2024** dated **09.10.2024** under Sections **21(c)/22(c)/23(c)/27A** of the NDPS act.

And

In the matter of: **Rafikul Sarkar**

....Petitioner.

Ms. Busra Khatun

....for the petitioner

Mr. Madhusudam Sur

Mr. Parvej Anam

....for the State

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

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He relies on the case diary and points to the documents regarding ownership of the vehicle from which the contraband was seized. The petitioner happens to be the owner and driver of the vehicle. In fact, as per the FIR the petitioner fled away from the scene after a chase by the police. Had he not fled away, he could have been apprehended and if he is apprehended the raiding party members might be able to identify him.

Considering the above and the other 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.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)