

15.06.2026
Court No.28
Item No.39
tbsr
Reject

CRM (A) 1458 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to section 438 of the Code of criminal Procedure, 1973 in connection with **Kaliachak** P.S. Case No. **340 of 2019** dated **17.06.2019** under Sections **18(C)/21(C)** of the NDPS Act, 1985 charge sheet under Section 18(C)/21(C)/25/29 of the NDPS Act.

And

In the matter of: Saba Sk. @ Saba Karim

....Petitioner.

Mr. Mritunjoy Chatterjee
Mr. Imdodul Hoque
...for the petitioner.

Mr. Sagar Saha
Mr. Arnab Sau
....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail under the change in circumstance that now charge sheet has been filed against the petitioner. There is no incriminating material available against the petitioner.

Learned counsel appearing on behalf of the State relies on the case diary and strongly opposes the prayer for anticipatory bail. He submits that the petitioner's earlier application for anticipatory bail was rejected by a Division Bench of this Court on 10.06.2021 in CRM 2058 of 2021. Since then the petitioner has remained an absconder. A charge sheet has been submitted under the same provisions under which the FIR was registered. So, there is no material change in circumstance whatsoever to warrant entertaining of a second application for anticipatory bail.

Submission of charge sheet is a natural consequence of initiation of a criminal proceeding. The second application would be maintainable only if charge sheet is submitted under lesser provisions. But, here the charge sheet was submitted under the same provisions. Moreover, the petitioner has remained an absconder for long. In fact, the case was initiated in 2019.

In view of the above, the fact that the petitioner has remained an absconder for so long and the fact that a second application with no material change in circumstance is not maintainable and as an application for anticipatory bail has been filed after five years of the first rejection without there being any material change in circumstance, I am inclined to reject the application for anticipatory bail.

Accordingly, the second application for anticipatory bail is, thus, rejected.

Presence of the I.O. is noted and is dispensed with.

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.)