

28.02.2023

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Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 857 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hasnabad** Police Station Case No. **688** of **2021** dated **21.11.2021** under Section 274 of the Indian Penal Code and under Section 27 of the Drugs and Cosmetics Act.

And

In Re : Tuhin Molla

..... petitioner

Mr. Sandip Kumar Mondal

Mr. Sumit Routh

Ms. Riya Das

....for the petitioner

Mr. Angshuman Chakraborty

....for the State

Learned advocate appearing for the petitioner claims that, the petitioner stands on the same footing as that of Mustakin Molla, who was enlarged on anticipatory bail by the order dated February 16, 2023 passed in CRM(A) 706 of 2023.

Learned advocate appearing for the State submits that, writ of proclamation and attachment was issued as against the petitioner on February 16, 2023. The present application was filed on February 20, 2023.

Writ of proclamation and attachment was issued prior to the filing of the application.

In such circumstances, we are of the view that the petitioner is not standing on the same footing as that of the other co-accused, who was enlarged on anticipatory bail.

Considering the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 857 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)