

19.06.2019.
Item No.7
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 225 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.04.2019 in connection with NDPS Case No. 32 of 2017 arising out of NCB Crime No. 23/NCB/KOL/2017 for commission of offence punishable under Sections 8/20(b)(iii)(C) of the NDPS Act, 1985;

And

In the matter of : Jhantu Sarkar.

... petitioner.

Mr. Hillol Saha Poddar.

...For the petitioner.

Mr. Rajdeep Biswas.

...For the NCB.

Heard the learned Advocates appearing on behalf of the parties.

The petitioner has presented the instant application under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No. 32 of 2017 arising out of NCB Crime No. 23/NCB/KOL/2017 for commission of offence punishable under Sections 8/20(b)(iii)(C) of the NDPS Act, 1985.

The prosecution story as would appear from the statements made in the instant application as well as from the case diary produced before us that after getting an information about a drug racket, the house of one Kamalesh Barman was raided and substantial quantity of contraband was recovered from his possession.

Since the quantum of recovery did not appear to have met the expectation of the Bureau, he was interrogated and during such interrogation said Kamalesh Barman disclosed the name of various persons including the petitioner. The team of the Bureau thereafter raided the house of the petitioner on 2nd April 2017 and found the said house unoccupied by two boys who disclosed themselves as relatives of the petitioner. Subsequently, 825 Kgs. of contraband article was recovered from there and the aforesaid relatives put their signatures on the seizure list.

Though the petitioner denies the identity of those relatives and says that he is not aware whether any recovery has been done yet we find that he has been successful in avoiding the arrest since the date of seizure. The Special Court is proceeding with the spit trial as the petitioner was declared absconder and/or fugitive.

After considering the materials from the case diary as well as the facts narrated herein above, we do not feel that it is a fit case where the petitioner is entitled to anticipatory bail.

The application for anticipatory bail of the petitioner is, thus, rejected.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)