

18.09.2020

(Via Video Conference)

Court No. 19
Item No. 13
das/nandy

CRM 6735 of 2020
with
CRAN 1 of 2020

(anti-bail rejected)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 08.09.2020 in connection with Dinhata Police Station Case No. 278 of 2020 dated 13.08.2020 under Sections 21(C) of the Narcotic Drugs & Psychotropic Substances Act.

and

In the matter of: **Anicha Bibi & Anr.**

..... Petitioners

Mr. Anindya Ghosh, Advocate

.....for the Petitioners

Mr. Ujjwal Luksom, Advocate

Mr. Aniruddha Biswas, Advocate

..... for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being **CRAN 1 of 2020** is accordingly **disposed of**.

The learned Advocate of the petitioners submits that the petitioners have been implicated only on the basis of the statements of the co-accused and going by the nature of allegations, the same are improbable as there is no scope for the petitioners to run away or flee from the spot where the alleged seizure was made by the Border Security Force.

The learned Advocate for the State opposes the prayer for anticipatory bail and submits that the custodial interrogation of the present petitioners are required in order to establish the racket operating at the border areas in respect of such offence.

We have taken into account the submissions of both the parties

and having considered the fact that the present application is being considered at the stage of investigation and the fact that commercial quantity of contraband were recovered, custodial interrogation of the petitioners are necessary for elucidating the truth as the offence has been committed at the adjoining border of the State/Country.

Accordingly, the prayer for anticipatory bail is **rejected**.

The application being **CRM 6735 of 2020** is **dismissed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)