

**CRM 8755 of 2020
(Via Video Conference)**

In re : An application for bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 718/2020 dated 20.09.2020 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act read with Sections 18(b)/27 of the Dugs and Cosmetics Act.

In the matter of : **Md. Nazrul Islam & Ors.**

..... petitioners

**Mr. Sandipan Ganguly
Mr. Amarendra Chakraborty**

....For the petitioners

**Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick**

.....For the State

The petitioners claim that merely on the basis of some stray statements of persons who may have an axe to grind against the petitioners, the State has proceeded against them.

The State says that more than 24,000 bottles of phensedyl were recovered from a house belonging to one Babul Sk.

According to the State, 82 sacks containing 300 bottles each were recovered and preliminary enquiries have revealed that the present petitioners were involved in running such business, though the petitioners may have got wind of the raiding party and slipped away when the raid was conducted.

The petitioners say that the person in whose name the house is recorded has not been proceeded against. According to the petitioners, there is a deliberate attempt by the investigating agency to divert the matter and go against persons who had no connection with the transactions, for obvious reasons.

The State says that the entire racket was discovered in September and it is too early to say that the State has not proceeded against the recorded owner of the house. The State assures the Court that Babul Sk., the owner of the house, is one of the persons whom the State is pursuing; though such person has given the police the slip till now.

Considering the material against the petitioners, their prayer for anticipatory bail is rejected. It is also hoped that immediate adequate steps are taken against the recorded owner of the house and the truth unearthed.

CRM 8755 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)