

12.11.2020
Sl. No.60
akd

C. R. M. 9329 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.11.2020 in connection with Tapan Police Station Case No. 05 of 2019 dated 06.01.2019 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act read with Sections 14A(b)/14(c) of the Foreigners Act.

And

In Re: **Abinash Barman @ Abhilash Barman**

... .. Petitioner

Mr. Sayan De .. Advocate

... .. for the petitioner

Mr. Pradipta Ganguly .. Advocate

... .. for the State

The petitioner claims that the petitioner has surrendered after his prayer for anticipatory bail has been rejected. It is also the petitioner's case that he has been proceeded against merely on the basis of the statement of some persons arrested in connection with the NDPS case, but no contraband has been recovered from the person of the petitioner.

According to the State, the petitioner was present at the time of seizure but managed to give the police the slip. The State further says that the case is of January, 2019 and it was nearly a year later than the petitioner applied for anticipatory bail after absconding for a considerable period. The State joins issue with the petitioner to suggest that the petitioner was arrested pursuant to a warrant of arrest and it was not as if the petitioner surrendered.

The conduct of the petitioner has been dismal.

It is also evident that the investigating agency was pursuing the petitioner right from the beginning. Though there is no independent witness statement to the effect that the petitioner was present at the

spot at the time of seizure but fled therefrom, considering the statements of the others arrested from the spot, it is more than likely that the petitioner may have been present with them. On the basis of the material available against the petitioner, his immediate release may not be justified.

CRM 9329 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)