

25.01.2021

Item No.179

Ct.No.28

dc.

Rejected

C.R.M. 66 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Haja @ Hajarat Ali @ Hajrat Ali**

... Petitioner.

Mr. Ramkrishna Bhattacharya,
Mr. Kaushik Chowdhury,
Ms. Busra Khatun

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

Apprehending arrest in connection with Dalkhola P.S. Case No. 286 of 2020 dated 04.12.2020 under Sections 341/332/333/353/186/307/34 of the Indian Penal Code read with Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been implicated in this case on the basis of the statement of the co-accused and the petitioner has been implicated also on the vague allegation that the premises from where the contraband article was recovered, belonged to him.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the recovery was effected from the house where the petitioner resides and the petitioner, at the time of effecting seizure, attacked the police officials and one of the lady constables was injured. He further submits that by such act, the petitioner has fled away from the spot and managed to escape.

We have taken into account the seizure list, the documents relating to the premises and the complicity of the offences and the fact that commercial quantity of contraband (300 gms. heroin) was recovered from the alleged premises which was occupied by the petitioner, we are of the opinion that the petitioner has not been able to overcome the rigors of Section 37 of the N.D.P.S. Act and as such, is not entitled to the privilege of anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

The application for anticipatory bail, being CRM 66 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)