

21. 04.10.2021

Ct.32

Tanmoy

Rejected

C.R.M. 2767 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **16/03/2021** in connection with **N.D.P.S. Case No. 06/2020** arising out of **Chakulia Police Station Case No. 25** dated **11/02/2020** under Section **21(C)** of the N.D.P.S. Act, 1985.

And

In the matter of: - **Md. Arsad @ Md. Arsad Alam**

...petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Supreem Naskar

...for the petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat

...for the State.

The petitioner says that there was no recovery of contraband items from him. Recovery was from the co-accused persons. His name has transpired from statements made by co-accused persons. Charge-sheet has been submitted. His custodial interrogation is no more necessary.

We have seen the material in the Case Diary including the seizure list. It is true that the seizure list does not mention the petitioner. However, independent witnesses, whose statements are on record, say that the owner of the premises from where contraband of commercial quantity was seized, had let out the premises to the petitioner who was running the business of dealing in contraband items.

On an overall assessment of the facts and circumstances of the case, we are of the view that in this case custodial

interrogation of the petitioner may be necessary if the authorities decide to conduct further investigation.

Accordingly, we are not inclined to allow the petitioner's prayer for anticipatory bail.

The application for anticipatory bail being C.R.M. 2767 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)