

27.09.2021
Item no.53.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 3173 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 7.4.2021 in connection with Chakdah Police Station Case No.128 of 2021 Dated 23.3.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act

And

In the matter of : Kamal Sarkar

.....Petitioner.

Mr. Sibaji Kumar Das,
Ms. Rupsa Sreemanifor the Petitioner.

Mr. Angshuman Chakrabortyfor the State.

The petitioner seeks anticipatory bail in connection with offence under Sections 20(b)(ii)(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

Learned Advocate for the petitioner submits that nothing has been recovered from the exclusive possession of this petitioner and there are no incriminating material on record to implicate this petitioner and, accordingly, his prayer for anticipatory bail be allowed.

Learned Advocate appearing on behalf of the State opposes such prayer of the petitioner and submits that this petitioner, after the seized ganja was off-loaded from the concerned vehicle, fled away from the scene of occurrence and

as such, considering his conduct, his prayer for anticipatory bail should be rejected.

We have heard learned Advocates of both the sides and perused the material in the case diary. It is found from the seizure list that there has been recovery of 132 kilograms and 300 grams of ganja. Further, it is found that this petitioner fled away from the scene of occurrence and on the alleged date, he was driving the vehicle.

Considering the material as indicated above, the extent of complicity of this petitioner and the nature and gravity of the alleged offence, we are not inclined to allow the prayer for anticipatory bail of the petitioner.

C.R.M. No.3173 of 2021 is, accordingly, dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)