

16.11.2021

Serial no. 45

Dd

(Through Video Conference)

CRM 4630 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS Case No. 15 of 2013 (T.R. No. 15/2013)** arising out of **NCB Crime No. 13//NCB/KOL/2013** under Section **20(b)(ii)(C)/29** of Narcotic Drugs and Psychotropic Substance Act, 1985.

-And-

In the matter of : **Mustak Mahammad @ Chand @ Sk**
Mustak Mohammad
... ...**Petitioner**

Ms. Minoti Gomes,
Ms. Manasi Roy, Advocates
... ... For the Petitioner

Mr. Y. J. Dastoor, Learned ASG
Mr. Phiroze Edulji,
Ms. Sumitra Das, Advocates
... ...For the NCB

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no contraband was recovered from the possession of the petitioner. The petitioner was falsely implicated on the basis of a statement of the co-accused. She submits that she was not aware of the proceeding initiated by the Narcotic Control Bureau (NCB) against the petitioner.

Learned Additional Solicitor General draws the attention of the Court to the contents in the case diary. He submits that notices under Section 67 of the NDPS Act, 1985 was sent at least thrice commencing from August 27, 2013. The petitioner did not respond to such notices. After much ado the NCB persuaded the jurisdictional Court to

segregate the petitioner from the two other co-accused and proceed against the two other co-accused. Two witnesses were examined before the jurisdictional Court. He opposes the prayer for grant of anticipatory bail.

Considering the materials in the case diary, the complicity of the petitioner in the incident and the fact that the petitioner did not respond to the notices issued under Section 67 of the NDPS Act, 1985 and considering the fact that warrant of arrest was issued against the petitioner, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM 4630 of 2021 is, accordingly, **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)