

07.12.2021
Court No.32
Item No. 174
Krishnendu
Rejected (SM,J)

**CRM 4751 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 122 of 2021 dated 22.06.2021 under sections 21(c)/22(c)/23(c)/27A of the of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 45 of 2021).

And

In re: **Dulal Mondal @ Dulal Rahaman**

...Petitioner

Mr. Kaushik Choudhury

Ms. Busra Khatun

... For the Petitioner

Mrs. Sugata Das

...For the State

Apprehending arrest the present application under section 438 of Code of Criminal Procedure is filed by the petitioner, **Dulal Mondal @ Dulal Rahaman**, praying for anticipatory bail.

Learned lawyer for the petitioner, Mr. Kaushik Choudhury, submitted that no incriminating elements are there directly implicating the present petitioner with the alleged crime. Nothing is recovered from the petitioner so that any positive evidence can be demonstrated against him. It is further submitted that the petitioner would co-operate with the investigation and would do all the needful acts in this regard. Accordingly, learned lawyer prayed for anticipatory bail.

Per contra, the learned lawyer representing the State, Mrs. Sujata Das, submitted that although no recovery is made from the present petitioner, there are strong evidences and

incriminating elements showing that the present petitioner is connected with the drug racket. He further submitted that the area is a porous one, located on border with easy chance for escape. Considerable amount of contraband articles are recovered. Investigation is still pending. Therefore, according to the learned lawyer representing the State, anticipatory bail should not be allowed. It is further submitted by the learned lawyer that subsequently another case is registered against the present petitioner in connection with contraband articles.

We have heard rival submissions and perused the case diary.

It appears that the alleged offence committed within Hili Police Station, which is a border area with a high chance to flee from justice. There is nothing in the record to show that the present petitioner co-operated with the investigation since 22nd June, 2021 when investigation was initiated. There is huge quantity of recovery of contraband substance and the allegation is grave. Since investigation is still pending, we are not inclined to exercise our discretion and, accordingly, the application for anticipatory bail, being CRM No.4751 of 2021, stands rejected.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)