

24.12.2021

Serial no. 05

Dd

(Through Video Conference)

CRM 5356 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **99** of **2020** dated **21.02.2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Allarakha alias Alam alias Alo Sk**
... ..**Petitioner**

Mr. Sekhar Kumar Basu, Sr. adv.
Mr. Kushal Kumar Mukherjee,
Mr. Diptangshu Basu, Advocates
... .. For the Petitioner

Mr. Sudip Ghosh,
Mr. Ranadeb Sengupta, Advocates
... ..For the State

Report submitted on behalf of the State be kept with the record.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated on the basis of a statement of a co-accused. No contraband was seized from the possession of the petitioner. The petitioner was in Mumbai at the material point of time. He submits that since the police submitted charge sheet, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that commercial quantity of narcotics were seized from the vehicle which the petitioner was using. In fact, at the time of raid the petitioner fled away from the spot successfully.

He refers to the statements recorded under Section 161 of the Criminal Procedure Code of the mother of the petitioner. He submits that the vehicle is owned by the mother. She stated that the petitioner was using such vehicle.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the petitioner was using the vehicle in which narcotics of commercial quantity was seized, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are not inclined to grant anticipatory bail to the petitioner.

CRM 5356 of 2021 is, accordingly, **rejected**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)