

CRM 5504 of 2021
(Through Video Conference)

In the matter of : An application for anticipatory bail under Section 438 of the Code Criminal Procedure in connection with Tapan P.S. Case No. 4 of 2018 dated 03.01.2018 under Sections 411/414 of the Indian Penal Code read with Sections 21C/22C/23C/27A of the NDPS Act.

And

In the matter of : Ashma Bibi & Anr.

... .. petitioners

Mr. Kallol Mandal
Mr. Musharraf Alam
Mr. Krishan Roy

... .. for the petitioners

Mr. Rudradipta Nandy

... .. for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated on the basis of the statement of the co-accused. No contraband was recovered from the possession of the petitioners. Police in the instant case submitted the charge-sheet and therefore custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State submits that commercial quantity of contraband was seized from the house where the petitioners stayed.

Considering the materials in the case diary and the gravity of the offence and the involvement of the petitioners therein and the fact that commercial quantity of contraband was seized from the house at which the petitioners stayed, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985 and consequently we are not in a position to grant anticipatory bail to the petitioners.

The application for anticipatory bail being CRM 5504 of 2021 is rejected.

(Debangsu Basak J.)

(Bibhas Ranjan De, J.)