

14.12.2021
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rejected

C.R.M. 5514 of 2021
(via video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NCB Crime No. 22/NCB/KOL/2021 dated 29.06.2021 under Section 21(c) of the NDPS Act.

And

In Re : Bapon Ghosh & Anr. petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Sk. Selim Malik

... for the petitioners

Mr. Y. J. Dastoor, learned ASG
Mr. Phiroze Edulji
Ms. Rajashree Kundalia

... for the State

It is submitted by the learned Counsel appearing for the petitioners no narcotic substance was recovered from the possession of the petitioners. It is further submitted Voter Identity Card/ Aadhaar Card were not found at the place of occurrence by BSF personnel. Petitioners have been falsely implicated in the instant case.

Additional Solicitor General opposes prayer for bail and submits the petitioners handed over their Voter Identity Card/ Aadhaar Card to the BSF authorities for the purpose of crossing the international border. At that stage, upon being challenged by BSF personnel, petitioners ran away leaving behind narcotic substance.

Having considered materials on record including statements of the BSF personnel prima facie disclosing that petitioners handed over Voter Identity Card/ Aadhaar Card to the BSF personnel at the spot. Subsequently, they ran away leaving behind narcotic substance.

In view of the aforesaid materials on record disclosing involvement of the petitioners in dealing in narcotic substance above commercial quantity, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)