

**10.12.2021**

Court No.32  
rpan / **178**

**CRM 5888 of 2021**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : **Pronab Das**

- Petitioner

Mr. Kaushik chaudhury,

Ms. Bursa Khatun

... for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Hili Police Station Case No.60 of 2021 dated 02.04.2021 under Sections 21(C)/22(C)/23(C)/27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there had been no recovery of contraband substance from the possession of the petitioner. There is no material to exhibit any nexus of the petitioner with the alleged offence. In the said conspectus, custodial interrogation is not warranted.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that the nexus and complicity of the petitioner in the alleged offence which pertains to recovery of contraband substance above commercial quantity, would be evident from a deed by which the offending vehicle was

sold to the petitioner herein prior to the date of the alleged incident.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, the petitioner's conscious possession of contraband substance above commercial quantity cannot be ruled out and in view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM No.5888 of 2021 is dismissed.

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.)**