

30.11.2021
Serial no.20

Aloke
Ct. No. 29

(Through Video Conference)

CRM 7409 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.11.2021 in connection with Ketugram Police Station Case No. 80 of 2021 dated 23.02.2021 under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.

-And-

In the matter of : **Dola Sk.**

... ...Petitioner

Mr. Diptendu Banerjee, Advocate

... ... For the Petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Paramanick, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated on the basis of the statement of co-accused. No contraband was recovered from the possession of the petitioner. In any event police submits charge-sheet, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State submits that initially, three persons were arrested with commercial quantity of contraband. Three persons fled away from the spot. The independent witnesses named the three persons who fled away the spot. The petitioner is one of them. Out of the three persons who fled away from the spot, two were arrested. From one of them another quantity of 5.5. kgs. of ganja was seized.

Considering the materials in the case diary and considering the gravity of the offences and the complicity of the petitioner therein and considering the fact that the petitioner stands identified by independence witnesses, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, the prayer for anticipatory bail is, thus, rejected.

CRM 7409 of 2021 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)