

24.02.2022
Item no. 233
Court No.32
Avijit Mitra

C.R.M.(A) No.62 of 2022

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

And

In Re : Mahatab Sk. @ Pintu @ Mahatab Mondal
.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Binay Kumar Panda,

Mr. Subham Bhakat

..... for the State

Apprehending arrest in connection with Lake Town Police Station Case No.326 of 2021 dated 14.12.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance above commercial quantity from the possession of the petitioner and that his name has transpired on the basis of co-accused's statement before a police officer, which is inadmissible in evidence. As such, the statutory restrictions are not attracted and he may be granted anticipatory bail.

Mr. Panda, learned advocate appearing for the State however, opposes the petitioner's prayer and submits that the petitioner is involved in the racket. There had been telephonic conversation of the accused persons with the petitioner over mobiles which were seized from the accused. The SIM cards of the said mobiles stand registered in the name of the

petitioner. In support of such contention he has placed reliance upon the call detail records pertaining to the said mobiles.

We have considered the materials in the case diary as well as call detail records wherefrom *prima facie* it appears that there was conversation between the persons arrested with the petitioner on different dates proximate to the date of the alleged incident. In view thereof, petitioner's involvement cannot be totally ruled out at this stage and he has not been able to rebut the presumption under Section 37 of the N.D.P.S. Act. As such, the petitioner's prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M.(A) No.62 of 2022 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.)