

19 08.03.2022
(AD) Court No.29
(Rejected)

C.R.M. (A) 1121 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with C. Case No.29 of 2020 corresponding with **Labpur** P.S. Case No.**90 of 2020** dated **09/06/2020** under Sections **21C/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - Safikul Sekh @ Sofikul Sk.

...petitioner.

Mr. Sujoy Sarkar

...for the petitioner.

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the State draws the attention of the Court to the statement made by the petitioner in the first paragraph of the application and to the order dated January 27, 2022 passed in CRM(A) 208 of 2022. He submits that the petitioner approached this Hon'ble Court for anticipatory bail which was rejected by the order dated January 27, 2022 passed in CRM(A) 208 of 2022. The petitioner is guilty of suppression of material case.

There is substance in the contentions raised on behalf of the State. The petitioner approached this Hon'ble Court by way of CRM(A) 208 of 2022 for anticipatory bail which was rejected on January 27, 2022 after returning a finding that narcotics of commercial quantity was seized from the motor cycle belonging to the petitioner and, therefore, the petitioner was unable to overcome the restrictions under Section 37 of the NDPS Act,

1985.

In view of the petitioner trying to mislead this Hon'ble Court, we are of the view that the petitioner should be visited with consequences apart from the rejection of the present petition.

In such circumstances, we are of the view that the petitioner must face custodial trial.

Commercial quantity of narcotics was seized from the possession of the petitioner and consequently, he is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 1121 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)