

29.03.2022
Serial no. 04
[Dd]
(Anticipatory bail
Rejected)

CRM(A) 1200 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1324** of **2021** dated **26.11.2021** under Sections **21(c)/29** of the NDPS Act (NDPS case No. **131 of 2021**)

-And-

In the matter of : **Md. Ebarat Ali**

... ..**Petitioner**

Mr. Parvej Anam, Advocate
... .. For the Petitioner

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mitra, Advocates
... ..For the State

Report as called for by the order dated March 14, 2022 filed in Court be taken on record. It appears from the report that the police are yet to conclude the investigations. The petitioner herein is the uncle of the person arrested with the commercial quantity of narcotic. According to the report, the uncle is the procurer/supplier of the narcotic to the person who was arrested with commercial quantity of narcotic.

Considering the fact that there appears to be a *prima facie* nexus between the petitioner and one of the accused arrested with the commercial quantity of narcotic, we are of the view that the petitioner is unable to rebut the presumption under Section 37 of the NDPS Act, 1985.

Consequently, we are not inclined to grant anticipatory bail to the petitioner. Moreover, the police are yet to file charge sheet.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM(A) 1200 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)