

30.03.2022

Serial no. 33

[Dd]

(Anticipatory bail
Rejected)

CRM(A) 1473 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bhimpur** Police Station Case No. **295** of **2021** dated **17.10.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : **Raju Ghosh @ Rajkumar Ghosh**
... ..**Petitioner**

Mr. Sauvik Mitter,
Mr. Kalyan Kumar Bhattacharjee, Advocates
... .. For the **Petitioner**

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu, Advocates
... ...For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. No narcotic was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that the investigations are yet to be concluded. He refers to paragraph 9 of the petition where petitioner claims that there is no criminal antecedent of the petitioner. He refers to communication of the police from where it transpires that the petitioner is involved in Kishanganj police station case no. 54 of 2022 dated March 3, 2022, inter alia, under Section 14 of the Foreigners Act and Section 21(c) of NDPS Act.

Considering the fact that there is a criminal antecedent of the petitioner 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.

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

CRM(A) 1473 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)