

CRM (A) 1490 of 2022

01.04.2022
Sl. 06
Court No.29
suvayan
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** P.S. Case No. **119 of 2022** dated **03/02/2022** under Sections **22(C)/29** of the Narcotic Drugs and Psychotropic Substances Act read with Section **27A** of the Drugs and Cosmetics Act.

And

In the matter of: Saddam Hossain

....petitioner.

Mr. Kaushik Chaudhury
Ms. Busra Khatun

... for the petitioner.

Mr. Sanjay Bardhan
Mr. Baishakhi Chatterjee

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State submits that apart from the statement of the co-accused made while in custody, implicating the petitioner, there are call details recording of the mobile phone number used by the petitioner and the co-accused from whom commercial quantity of narcotic was seized.

Consequently, in view of the call details recording, we are of the view that the petitioner is unable to rebut the presumption of the Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

The application for anticipatory bail, being CRM (A) 1490 of 2022, is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

