

13.05.2022

07

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 2138 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. **408** of **2022** dated **19.04.2022** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Bhim Mandal

..... petitioner

Mr. Souma Nag

Mr. N. Banerjee

....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. No recovery was made from the possession of the petitioner. Raids were conducted and even thereafter no recovery was made.

Learned advocate appearing for the State submits that, the investigations are at the nascent stage. The petitioner is the brother of the person arrested with the commercial quantity of narcotic. There is a criminal antecedent so far as the petitioner is concerned. The petitioner is involved in a fake currency police case.

Considering the fact that the petitioner is the brother of the person arrested with the commercial quantity of narcotic, the nexus between the petitioner and such person cannot be ruled out at this stage. Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Accordingly, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 2138 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)