

38 19.05.2022
(AD)

Court No.29

(Rejected)

C.R.M. (A) 2278 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** P.S. Case No.18 of 2021 dated **12.01.2021** under Sections **22(C)/23(C)/27A/28/29** of Narcotic Drugs and Psychotropic Substances Act, subsequently Charge Sheet submitted under Sections **22(C)/23(C)/27A/28/29** of Narcotic Drugs and Psychotropic Substances Act, Corresponding to Special Case No.08 of 2021.

And

In the matter of: -Gulam Robbani @ Babu & Ors.

...petitioners.

Mr. Niladri Sekhar Ghosh
Mr. Sakhawat Khandakar
Mr. Faijur Rahaman
Mr. Pronojit Roy

...for the petitioners.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

... for the State.

Petitioners renew the prayer for anticipatory bail.

Learned Advocate appearing for the petitioners submits that subsequent to the two earlier orders, one order of rejection and one order of recording the prayer of the petitioner of not pressing the application, the police submitted charge sheet. The police are unable to establish any nexus between the petitioners and the person arrested with the commercial quantity of narcotics. Since no narcotics was recovered from the possession of any of the petitioners and since the police are proceeding against the petitioners on the basis of the statement of the co-accused, the petitioners should be enlarged on anticipatory bail.

Learned Advocate appearing for the State submits that

apart from the statement of the co-accused made while in custody, there are statements recorded under Section 161 of the Code of Criminal Procedure implicating the petitioners.

There are statements under Section 161 of the Code of Criminal Procedure in the case diary implicating the petitioners in the offences that they are charged with.

On the basis of the materials in the case diary, we are unable to return a finding that the petitioners are able to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioners.

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

C.R.M. (A) 2278 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)