

28.04.2022
Serial no. 83
[Dd]
(Anticipatory bail
Rejected)

CRM 4210 of 2021

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NCB Crime No. 13/NCB/KOL/2021** dated **23.04.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (corresponding to NDPS Case NO. **73 of 2021**)

-And-

In the matter of : **Sanarul @ Sanarul Sk**
... ..**Petitioner**

Mr. Navanil De,
Ms. Ayantika Roy,
Mr. Rajeswar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Sdubhrajit Dey,
Ms. Riya Das, Advocates
... .. For the Petitioner

Mr. Anirban Mitra, Advocate
... ..For the NCB

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no narcotic was recovered 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 NCB refers to the case diary. He submits that the petitioner did not cooperate with the investigation despite the petitioner responding to the notices under Section 67 of the Criminal Procedure Code, 1985. He refers to the statement of the co-accused who was arrested with the commercial quantity

of narcotic. He submits that the petitioner is the brother of such person.

The principal co-accused and the petitioner are brothers. The principal accused names the brother as the person who is the recipient of the narcotic.

Therefore, the petitioner is unable to dispel conscious possession of the narcotic of commercial quantity seized from the possession of the accused who is his brother. Therefore, we are of the view that the petitioner is unable to overcome the restrictions 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 4210 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)