

29.06.2022
Serial no.17
Aloke

CRM (A) 2567 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with NCB Crime No. 02/NCB/KOL/2022 dated 29.01.2022 under Sections 8(C)/21(C)/25/29 of the NDPS Act, 1985.

-And-

In the matter of : **Nur Alam Sekh @ Sk**

... .. Petitioner

Mr. Souvik Mitter, Advocate

Mr. Sumanta Das, Advocate

... .. For the Petitioner

Mr. Rajdeep Mazumdere, Advocate

... ...For the State

The application is taken up for consideration subsequent to the order dated June 13, 2022.

Report submitted in Court on behalf of the NCB be taken on record.

By the order dated June 13, 2022, noticing that the petitioner was not responding to the notice under Section 67 of the NDPS Act, 1985, the petitioner was permitted to respond thereto with a protection not to be arrest being granted in favour of the petitioner.

Learned Advocate appearing for the NCB submits that subsequent to the order dated June 13, 2022, the petitioner met the Investigating Officer. He did not cooperate with the investigations. He did not utter a single word in the interrogation under Section 67 of the Act of 1985. The investigating authorities were able to locate the call details recording between the petitioner and the person arrested with the commercial quantity of narcotics. The investigations reveal that the petitioner was the intended recipient of the narcotics seized.

In view of the materials in the case diary and in view of the fact that there are call details recording between the

petitioner and the person arrested with the commercial quantity of narcotics, 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.

The prayer for anticipatory bail of the petitioner is rejected.

Interim order stands vacated.

CRM (A) 2567 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)