

22.06.2022

Sl. 10
Court No.29
(AD)
(Rejected)

C.R.M. (A) 2630 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS Case No.T.R. 53/2021 under Sections **8(c)** read with **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, which corresponds to NCB Crime No.77/2021, now pending before the Learned Additional District and Sessions Judge, 3rd Court (NDPS Court), Howrah.

And

In the matter of: **Ansura Begam alias Baby**

....petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Advocate
Mr. Kusal Kumar Mukherjee

...for the petitioner.

Mr. Kallol Mondal

...for the Union of India.

Petitioner prays for anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that no narcotics was recovered from the possession of the petitioner. The petitioner is sought to be falsely implicated.

Learned Advocate appearing for the NCB submits that commercial quantity of narcotics was seized from the person arrested. He refers to the case diary and submits that there are call details recording between the petitioner and the person arrested with the commercial quantity of narcotics. At the time of the seizure the arrested person along with the NCB officials and the police personnel went to the house of the petitioner, whereupon they were assaulted. There is a general diary lodged with regard thereto. The petitioner is not responding to the notices under Section 67 of the Act of 1985.

Considering 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 unable to grant anticipatory bail to the petitioner.

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

C.R.M. (A) 2630 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)