

22.06.2022
Serial no. 18
[Dd]
(Anticipatory bail
Rejected)

CRM (A) 2869 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **556** of **2021** dated **12.11.2021** under Sections **20(c)/29** of the Narcotic Drugs and Psychotropic Substances Act read with Sections **18(b)/27** of Drugs and Cosmetics Act (corresponding to Special Case No. **125 of 2021**)

-And-

In the matter of : **Jhantulal Chakraborty @ Bitla**
... ..**Petitioner**

Mr. Kaushik Chowdhury,
Ms. Busra Khatun, Advocates
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that no narcotic was recovered from the possession of the petitioner. The police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required. There is no material implicating the petitioner with the alleged offences. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the order dated February 23, 2022 passed CRM 8427 of 2021. He submits that in the said application for anticipatory bail in respect of Shibu Sarkar @ Halder, a report was called for. Report dated February 17, 2022 was considered. He refers to the same report in this matter also. He submits that the present

petitioner is one of the partners of the business along with of Shibu Sarkar @ Halder. He submits that the partners are using mobile phone registered in the name of different persons in order to avoid detection, if possible.

By the order dated February 23, 2022 passed in CRM 8427 of 2021, prayer for anticipatory bail of the co-accused was turned down after considering report dated February 17, 2022.

The report dated February 17, 2022 states that the petitioner is one of the partners in the business along with Shibu Sarkar @ Halder. The petitioner, therefore, stands on the same footing as that of Shibu Sarkar @ Halder at least on the basis of the report dated February 17, 2022.

In such circumstances, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In view of the reasoning recorded in the order dated February 23, 2022 and also otherwise, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 2869 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)