

30.06.2022
Serial no.9
Aloke

CRM (A) 3047 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with NCB Crime No. 11/NCB/KOL/2021 dated 31.03.2021 under Sections 8(c) read with Section 20(b)(ii)(c) of the NDPS Act.

-And-

In the matter of : **Sukumar Saha**

... ... Petitioner

Mr. Sabir Ali, Advocate

... ... For the Petitioner

Mr. Kallol Mondal, Advocate

... ...For the Union of India

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 submits that the petitioner was the consignor. The name of the petitioner transpired from the person who was arrested with the commercial quantity of narcotics. Two phone numbers transpired. One of the phone numbers is that of the petitioner. The petitioner was in constant contact with the person arrested with the commercial quantity of narcotics. He submits that custodial interrogation of the petitioner is required.

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 Sections 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected

CRM (A) 3047 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)