

14.07.2022
28
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. (A) 3356 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **10** of **2022** dated **15.01.2022** under Section 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sohel Rana.

..... petitioner

Ms. Minoti Gomes

.... for the petitioner

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

... 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 petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. The petitioner was falsely implicated.

Learned advocate appearing for the State submits that, apart from the statement of the co-accused, there are atleast two statements recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) of independent witnesses, who implicates the petitioner.

There are two 161 Cr.P.C. statements of two persons, who claim that the petitioner is involved in the business of narcotics.

In such circumstances, we are of the view that the petitioner is unable to rebut the presumptions under Section 37

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

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3356 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)