

CRM No.6750 of 2021

Via video conference

13.01.22

(S.R.)

Sl.294

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hili** Police Station Case No.133 of 2021 dated 01/07/2021 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act (Special Case No.52 of 2021);

And

In re: Jahangir Mondal

... petitioner.

Mr. Kaushik Chaudhury

...for the petitioner.

Mr. S.G. Mukherjee, PP

Mr. Binay Panda

Ms. Puspita Saha

... for the State.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that there was no recovery of contraband substance from the possession of the petitioner and that his name has transpired on the basis of the co-accused statements. In view thereof, the rigours of Section 37 of the NDPS Act are not attracted and he may be granted anticipatory bail on any stringent condition.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is involved in narcotic trade and has antecedents. In view thereof and as the investigation is still in progress, the petitioner is not entitled to the relief, as prayed for.

In reply, Mr. Chaudhury submits that in one criminal case there was no recovery of contraband substance from the possession of the petitioner and in the other, narcotic substance was recovered from his house. However, none of his family members were apprehended.

Considering that investigation is still continuing and as, *prima facie*, the involvement of the petitioner in narcotic trade and the possibility of his absconsion cannot be totally ruled out, we are not

inclined to exercise any discretion in his favour.

The application for anticipatory bail being CRM No.6750 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)