

23.08.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4000 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ghola** Police Station Case No. **63 of 2022** dated **31.01.2022** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Babu Shaw @ Show @ Mati Bablu @ Bablu Shaw
..... petitioner

Mr. Shibaji Kumar Das
....for the petitioner

Mr. Ranadeb Sengupta
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required. No narcotic was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that, there are statements of independent persons recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner. He submits that, there are criminal antecedents so far as the petitioner is concerned. There are at least five police cases in which, the petitioner is involved.

In view of the materials in the case diary and in view of the criminal antecedents of the petitioner, we are of the view

that the petitioner is unable to rebut the presumption 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) 4000 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)