

12.09.2022

07

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4113 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **NCB Crime No. 04/NCB/KOL/2022** dated **05.02.2022** under Sections 21(C)/22(C)/23/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sudipta Kumar Ghosh

..... petitioner

Mr. Sabir Ahmed

Mr. A. A. Alamgir

....for the petitioner

Mr. Dipankar Dandapath

....for the NCB

Report as called for by the order dated August 30, 2022 filed be Court be taken on record.

It appears from such report that, the petitioner obtained a license to undertake medical business in 2010. The petitioner claimed he suffered loss in such business. He closed down such business initially. Thereafter, he entered into a partnership business.

Commercial quantity of narcotic was seized.

In the facts of the present case, complicity of the petitioner cannot be overlooked at this stage. Conscious possession of the petitioner in respect of commercial quantity of narcotic seized cannot be ruled out.

The petitioner was arrested in respect of a different police case.

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. 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) 4113 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)