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(AD) 23.02.2022
Court No.29
(Rejected)

C.R.M. 8427 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** P.S. Case No. **556 of 2021** dated **12/11/2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act read with Sections **18(b)/27** of Drugs and Cosmetics Act (corresponding to Special Case No.125 of 2021).

And

In the matter of: - Shibu Sarkar @ Halder

...petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Pritha Sinha

... for the petitioner.

Mr. Sanjoy Bardhan
Ms. Manisha Sharma

...for the State.

The petition is taken up for consideration subsequent to the order dated February 15, 2022.

There subsists an order initially passed on December 21, 2021 granting interim bail to the petitioner. Such order was extended on February 15, 2022. The police was called upon to submit a report with regard to the nexus, if any, between the petitioner and that of the other co-accused who was arrested with the commercial quantity of narcotics.

Learned Advocate appearing for the State submits a report which be taken on record.

The report dated February 17, 2022 states that the petitioner herein is a business partner along with the other co-accuseds. The petitioner holds about 28 per cent share of such business. The business was of smuggling in narcotics. The petitioner uses mobile phones registered in the name of others. There are calls details recording of such mobile phones with that

of the mobile phone used by the accused who was arrested with the commercial quantity of narcotics.

There are new materials in the case diary which were not available at the time when the interim order was granted, implicating the petitioner. Given the materials available in the case diary presently, 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 extend the protection of interim bail initially granted on February 15, 2022 to the petitioner.

Accordingly, the prayer for anticipatory bail made on behalf of the petitioner stands rejected.

C.R.M. 8427 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)