

20.09.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4485 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogolberia** Police Station Case No. **238** of **2022** dated **25.07.2022** under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Firoj Sekh @ Sk

..... petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Saibal Bapuli

Mr. Bibaswan Bhattacharya

....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.

Learned advocate appearing for the State submits that, there are call details recording of conversation between the petitioner and the person arrested with commercial quantity of narcotic immediately prior to such person being arrested.

In such circumstances, we are not in a position to return to a finding that there is no nexus between the petitioner and

the seized commercial quantity of narcotic and/or the arrested person.

In such circumstances, 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) 4485 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)