

26.09.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4559 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **119** of **2022** dated **03.03.2022** under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 with Section 27A of the Drugs and Cosmetics Act.

And

In Re : Mahabur Mondal

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

....for the petitioner

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

....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.

Learned advocate appearing for the State submits that, there are call details recording of conversation of more than 300 calls between the petitioner and the person arrested with commercial quantity of narcotic.

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) 4559 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)