

28.11.2022
Serial no. 02
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 5185 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1167** of **2022** dated **22.07.2022** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : **Harun Sk @ Md. Harun Rasid**
... ..**Petitioner**

Ms. Minoti Gomes,
Mr. Mounick Ghosh, Advocate
... .. For the Petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty, Advocate
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is being proceeded against on the basis of the statement of the co-accused made while in custody. No narcotic was recovered from the possession of the petitioner. Moreover, the petitioner complied with the earlier direction of meeting the Investigating Officer, passed on November 15, 2022.

Learned advocate appearing for the State refers to an order dated September 28, 2022 passed in CRM (NDPS) 1120 of 2022. He submits that the petitioner is similarly placed as that of the other co-accused whose prayer for bail was rejected by the co-ordinate Bench. He submits that the case diary contains statement recorded under Section 161 of the Criminal procedure Code of independent persons, implicating the

petitioner in the trafficking of narcotics. The investigations are still in progress.

There are four statements recorded under Section 161 of the Criminal Procedure Code made of independent persons, implicating the petitioner in the trafficking of narcotics.

Prayer for bail of co-accused was turned down by the co-ordinate Bench by the order dated September 28, 2022 passed in CRM(NDPS) 1120 of 2022.

In such circumstances, we are of the view that the petitioner is unable to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

Interim protection granted on November 15, 2022 in favour of the petitioner stands vacated.

CRM (A) 5185 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)