

18.11.2022  
Serial no.7  
Aloke

**CRM (A) 5215 of 2022**

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No. 100 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Saidur Sk. @ Saidul Sk. @ Saidur Rahaman**  
... ... Petitioner

Mr. Jisan Iquabal Hossain, Advocate  
... ... For the Petitioner

Mr. T.D. Nandy, Advocate  
Mr. Antarikhya Basu, Advocate  
... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge-sheet. No narcotic was recovered from the possession of the petitioner. The police are proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. Consequently, the prayer for anticipatory bail should be allowed.

Learned Advocate appearing for the State submits that there are call details record showing that the petitioner was in touch with the person arrested with the commercial quantity of narcotics.

It appears that the petitioner was in touch with the person arrested with the commercial quantity of narcotics over the mobile phone.

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

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

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5215 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**