

24.11.2022
Serial no.15
Aloke

CRM (A) 5412 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 294 of 2022 dated 27.04.2022 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

-And-

In the matter of : **Jhantulal Chakraborty @ Bitla**
@ Jhantu Chakraborty

... ... Petitioner

Ms. Busra Khatoon, Advocate

... ... For the Petitioners

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 petitioner was falsely implicated. No recovery was made 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. Moreover, the petitioner was in Bangalore at the material point of time.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that there are call details recording between the petitioner and the person arrested with the commercial quantity of narcotics. He submits that prayer for anticipatory bail of the persons who were similarly situated as that of the petitioner were turned down by this High Court.

There are call details recording between the petitioner and the person arrested with commercial quantity of narcotics.

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.

CRM (A) 5412 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)