

31.01.2023
Serial no. 10
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 353 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **507** of **2022** dated **21.06.2022** under Sections **21(c)/25/28/29** of the NDPS Act, 1985.

-And-

In the matter of : **Sahajan Sekh @ Sajahan Seikh**
... ..**Petitioner**

Mr. Atis Kr. Biswas,
Ms. Jyoti Agarwal
Mr. Amit Singh, Advocates
... .. For the Petitioner

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates
... ..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. Police are proceeding on the basis of the statement of the co-accused made while in custody. The petitioner was falsely implicated.

Learned advocate for the State submits that the person who was arrested with the commercial quantity of narcotics disclosed two names and phone numbers. The petitioner is one of them. There are telephonic conversation between the petitioner and the other person. The other person is still absconding.

Commercial quantity of narcotic was seized by the police. There were telephonic conversions between the petitioner and one of the co-accuseds who is still absconding. Complicity of the petitioner cannot be overlooked.

In such circumstances, we are of the view that the petitioner is unable to overcome the restrictions 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) 353 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)