

31.01.2023

34

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 396 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **354** of **2022** dated **19.11.2022** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Mainul Mondal & Ors.

..... petitioners

Mr. Tapodip Gupta

....for the petitioners

Mr. Sanjoy Bardhan

Ms. Baisakhji Chatterjee

....for the State

Statement recorded under Section 161 of the Code of Criminal Procedure of eye witnesses implicates the petitioners.

Such eye witnesses saw that the petitioners to flee away from the spot where commercial quantity of narcotic was seized.

In such circumstances, complicity of the petitioners in the incident cannot be overlooked.

Consequently, the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 396 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)