

01.02.2023

Sl.26
Court No.29
(AD)
(Rejected)

C.R.M. (A) 406 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dalkhola** Police Station Case No.**183 of 2021** dated **26.08.2021** under Sections **21(c)/29** of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Obaidur Rahaman**

....petitioner.

Ms. Minoti Gomes
Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that co-accused approaching the High Court for anticipatory bail were either granted the same or such prayer was rejected. He submits that the petitioner stands on the same footing as the person whose prayer was allowed.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the petitioner stands on same footing as that of the co-accused whose prayer for anticipatory bail was turned down.

The case diary contains call details recording between the petitioner and the person arrested with the commercial quantity of narcotics. Therefore, there are apparent nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Consequently, 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.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 406 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)