

02.02.2023
Serial no. 09
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 429 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **39** of **2022** dated **09.02.2022** under Sections **21(C)/22(C)/23(C)/27A** of the NDPS Act (corresponding to Special Case NO. 13 of 2022)

-And-

In the matter of : **Samsuddin Fakir**

... ..**Petitioner**

Mr. Kaushik Chowdhury,
Ms. Busra Khatoun, Advocates
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. In any event, police filed charge sheet and, therefore custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that there are materials in the case diary establishing that the petitioner is involved in the racket of international smuggling and was involved in the commercial quantity of narcotics seized.

Police filed charge sheet.

The police case relates to seizure of commercial quantity of narcotics.

There is a statement recorded under Section 161 of the Criminal Procedure Code of an independent witness claiming

that he saw the petitioner to be involved in throwing articles across the international border at the material point of time.

Materials in the case diary suggest the involvement of the petitioner in the seized commercial quantity of narcotics. Deemed possession of the petitioner appears.

Consequently, 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) 429 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)