

09.02.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 590 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bongaon** Police Station Case No. **296** of **2022** dated **23.03.2022** under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Nayan Mondal

..... petitioner

Mr. Angshuman Chakraborty
....for the petitioner

Mr. Ranadeb Sengupta
....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. Other co-accuseds were enlarged on bail by the High Court. The police are proceeding against on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State draws the attention of the Court to report dated November 2, 2022, which was considered by the Coordinate Bench while considering the application for bail of the co-accused.

Commercial quantity of narcotic was recovered from a vehicle. The person, who owns the vehicle, claimed that the petitioner is involved in the business of narcotics also along with him and other persons as partners.

There are statements of independent persons claiming that the petitioner changed his mobile number frequently in order to avoid arrest and detention.

The materials in the case diary suggest nexus between the petitioner and the seized commercial quantity of narcotic as also the person arrested with the commercial quantity of narcotic.

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.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 590 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)