

13.03.2023

34

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 966 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **295** of **2022** dated **12.08.2022** under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Sufal Das

..... petitioner

Mr. S. Majumdar

....for the petitioner

Mr. Anasuya Sinha

Ms. Subhashree Patel

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, no narcotic was recovered from the possession of the petitioner. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, co-villagers recorded statement under Section 161 of the Code of Criminal Procedure implicating the petitioner in the business of narcotic. Prayer for anticipatory bail of another co-accused was rejected on February 16, 2023 passed in CRM (A) 670 of 2023.

There are materials in the case diary including the 161 Cr.P.C. statement implicating the petitioner in the smuggling and dealing with drugs.

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) 966 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)