

24.04.2023

Serial no. 01

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1578 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jhalda** Police Station Case No. **49** of **2023** dated **19.03.2023** under Sections **27** of the Drugs and Cosmetics Act, 1940; corresponding to G.R. case no. 480 of 2023.

-And-

In the matter of : **Sadhan Chandra**

... ..Petitioner

Mr. Soumik Ganguly,
Mr. Dilip Kr. Sadhu, Advocates
... .. For the Petitioner

Mr. Sanjoy Bardhan,
Mr. Chittaranjan Ghosh, Advocates
... ..For the State

Report as called for by the order dated April 17, 2023 filed in Court be taken on record.

Report speaks of call details recording between the petitioner and the person arrested with the commercial quantity of narcotics.

Learned advocate appearing for the petitioner refers to an order passed by the Sessions Court in respect of the co-accused.

It appears from such order, the police case was then registered under the Drugs and Cosmetics Act.

Provisions of the NDPS Act, 1985 were subsequently added.

Prima facie it appears that the materials seized are narcotics of commercial quantity.

Police apparently are in a position to demonstrate the nexus between the petitioner and the person arrested with the

commercial quantity of narcotics through the call details recording.

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.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 1578 of 2023 is dismissed.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)