

10.05.2023
14 & 23
Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 1916 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1167** of **2022** dated **22.07.2022** under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Azim Sekh @ Azim Sk. & Ors.

..... petitioners

with

C.R.M.(A) 1925 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1167** of **2022** dated **22.07.2022** under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Malek Sekh

..... petitioner

Mr. M. H. Chowdhury

....for the petitioners in both the applications

Mr. Saibal Bapuli

Mr. Arani Bhattacharya

....for the State in CRM(A) 1916 of 2023

Mr. Ranabir Roychowdhury

Mr. Sandip Chakraborty

....for the State in CRM(A) 1925 of 2023

Two applications for anticipatory bail are taken up for consideration analogously as they emanate out of the same police case.

There are statements recorded under Section 161 of independent persons implicating the petitioners in the two applications in the trafficking of narcotic.

Prayer for bail of the co-accused was turned down by the Coordinate Bench on September 28, 2022 passed in CRM (NDPS) 1120 of 2022.

Prayer for anticipatory bail of another co-accused was turned down on November 28, 2022 passed in CRM (A) 5185 of 2022.

We are of the view that the petitioners failed to rebut the presumptions under Section 37 of the NDPS Act, 1985.

In such circumstances, we are unable to grant anticipatory bail to the petitioners in both the applications for anticipatory bail.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the applications being CRM (A) 1916 of 2023 and CRM (A) 1925 of 2023 are dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

