

CRM (A) 2335 of 2023

In re: An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Hili Police Station** Case No. **63 of 2023** dated **23.03.2023** under Sections **21(c)/22(c)/23(c) and 27(a)** of the NDPS Act.

- A n d -

In the matter of : Ankit Gupta @ Guddu Gupta & Anr.

.... Petitioners.

Mr. Raghunath Adhikary,

... For the Petitioners.

Mr. Sanjoy Bardhan,
Mrs. D. Dasgupta,

... For the State.

1. Heard Learned Counsel for the parties.
2. Learned Counsel for the petitioner submits that the only basis of implication of the petitioners is statement of co-accused from whom commercial quantity of contraband (cough syrup) has been seized. The co-accused person has stated that he took delivery of the contraband item from the petitioner no. 2 and he was to hand over the same to the petitioner no. 1.
3. In view of such fact and earlier rejection of the prayer for anticipatory bail by this Court by a coordinate Bench, we are not inclined to exercise our discretion under Section 438 of the Cr. P. C. in favour of the petitioners. It is better for us to leave

the matter to the trial court to decide the probative effect of the statement of the co-accused person

4. Accordingly, the prayer for anticipatory bail is rejected.
5. The application being CRM (A) 2335 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)