

25.08.2023
ML. 479
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3299 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kumarganj** Police Station Case No. **395 of 2022** dated **10.12.2022** under Sections **21/22(c)/29** of the NDPS Act.

And

In the matter of: **Majnu Sarkar**

....petitioner.

Ms. Busra Khatun

Mr. Gourhari Das

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitashok Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Majnu Sarkar is the present petitioner and Rashidul Sarkar @ Rasidul Sarkar, co-accused are son and father respectively. There is statement of independent witnesses to the effect that the present petitioner Majnu Sarkar used to reside in the house owned by Rashidul Sarkar @ Rasidul Sarkar wherefrom the contraband was seized. It is also alleged that Majnu Sarkar is the person who runs the illegal business of contraband. So this is not a case of implication of the petitioner on the basis of statement of co-accused Rashidul Sarkar @ Rasidul Sarkar.
3. Regard being had to such fact and bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 3299 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

