

20.11.2023
(D/L 28)
Ct. No.29
Rejected
(SKB)

CRM (A) 4321 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.193 of 2022 dated 24.05.2022 under Sections 21(c)/29 of the Indian Penal Code corresponding to NDPS Case No.128 of 2022.

In the matter of : Momin Sheikh @ Momin Sekh
... Petitioner

Mr. Tapodip Gupta
... for the petitioner

Mr. Prasun Kr. Datta, ld. APP
Mr. Antarikhya Basu
... for the State

1. Heard learned advocates for the parties.
2. Though it has been contended on behalf of the petitioner that the basis of implication of the present accused petitioner is the statement of the co-accused but Mr. Datta, learned APP appearing for the State submits before this court that the commercial quantity of contraband articles were seized from two motorcycles one of which belongs to the present petitioner.
3. From the materials placed before us, we find sufficient justification in the statement of Mr. Datta, learned APP. Accordingly, the petitioner is not successful in overcoming the statutory restriction under Section 37 of the NDPS Act.
4. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 4321 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)