

16.01.2023

Sl.5
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5608 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Special Case No.51 of 2018, arising out of Seizure Case No.02/NDPS/CL/CUS/BDNPU/2018** dated **31.08.2018** under Sections **15(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (as amended).

And

In the matter of: **Zarina Midya**

....petitioner.

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji

...for the petitioner.

Mr. K. K. Maiti
Mr. Bhaskar Prosad Banerjee
Mr. Tapan Bhanja

... for the opposite party.

The application for anticipatory bail is taken up for consideration subsequent to the order dated December 22, 2022.

Learned Advocate appearing for the Customs submits that, the petitioner appeared before the Investigating Officer in terms of the order of the High Court. The Customs Authorities found call details recording of conversation between the person arrested with the commercial quantity of narcotics and a mobile phone number. The petitioner admitted that such number initially belonged to her. Subsequently, she sold such mobile phone to her nephew. Subsequently such mobile phone was lost.

The materials in the case diary suggest that there is a nexus between the petitioner and the person arrested with the commercial quantity of narcotics. Call details recording demonstrates that there were conversations between the number which belonged to

the petitioner and the person arrested with the commercial quantity of narcotics.

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.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

Interim order granted in favour of the petitioner stands vacated.

C.R.M. (A) 5608 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)