

17.01.2023

04

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 6044 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogolberia** Police Station Case No. **360** of **2022** dated **03.12.2022** under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Akbar Biswas

..... petitioner

Mr. Prosenjit Mukherjee

Mr. Aslam Parvez

....for the petitioner

Mr. Sanjoy Bardhan

Mr. Baisakhi Chatterjee

....for the State

Report as called for by the order dated January 2, 2023 filed in Court be taken on record.

There are statements recorded under Section 161 of the Code of Criminal Procedure of persons, who are co-accused in the proceedings implicating the petitioner. According to such statements, the petitioner forced the arrested accused to keep the commercial quantity of narcotic in exchange of money.

Moreover, there are two criminal antecedents so far as the petitioner is concerned.

In such circumstances, we are of the view that the petitioner is unable to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 6044 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)