

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023
24
sdas
rejected

C.R.M. (A) No. 131 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 135 of 2019 dated 18.07.2019 under Section 22(c) of the NDPS Act.

And

In Re : Arnab Biswas petitioner

Mr. Arnab Saha

... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Tapan Bhattacharjee

... for the State

Learned Counsel for the petitioner submits no narcotics was recovered from his possession. He has been falsely implicated. He prays for anticipatory bail.

Learned Counsel for the State opposes the prayer for bail and submits his complicity has arisen from the statement of the police officer which is inadmissible in evidence.

We have considered the materials on record. Recovery was made from a house which was rented in the name of the petitioner. In view of the aforesaid circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail is, thus, rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

