

01.02.2024
19
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 316 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **115 of 2023** dated **29.6.2023** under Section **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Shankar Sarkar

..... petitioner

Mr. Kaushik Chowdhury

Ms. Busra Khatoon

Mr. Abhishek Kabir

...for the petitioner

Mr. Dipankar Paramanick

...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, no recovery was made from the possession of the petitioner. Petitioner is being proceeded against on the basis of the statement of the co-accused. Petitioner obtained bail in one police case. There are according to him two other police cases pending against the petitioner. In aggregate, it is submitted that, there are three police cases as against the petitioner.

Learned advocate appearing for the State submits that, persons at the locality where the petitioner resides stated that the petitioner is engaged in the business of narcotics.

Moreover, there are four police cases as against the petitioner including the present one.

There are materials in the case diary including the complicity of the petitioner in the commercial quantity of narcotics seized.

There are criminal antecedents so far as the petitioner is concerned. Petitioner did not obtain bail or anticipatory bail as the case may be in all the police cases.

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

Consequently, we are unable to grant anticipatory bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **CRM (A) 316 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)