

05.02.2024
ML-5
Court No.29
(AD)
(Rejected)

C.R.M. (A) 337 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No.**87 of 2023** dated **05.05.2023** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985.(NDPS Case No.40 of 2023).

And

In the matter of: **Ajay Mali**

....petitioner.

Mr. Kaushik Choudhury (through video conference)

Ms. Busra Khatun

... for the petitioner.

Ms. Subhasree Patel

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the principal accused was enlarged on statutory bail. Thereafter, bail of another co-accused was rejected. So far as the present petitioner is concerned, there are statements of local witnesses who establish the nexus between the petitioner and the person arrested with the commercial quantity of narcotics.

Commercial quantity of narcotics was seized.

Local persons implicate the petitioner before us in the business of narcotics and the principal accused arrested with the commercial quantity of narcotics.

Local witnesses stated that, petitioner was involved in such incident.

Considering such materials in the case diary, 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.

C.R.M. (A) 337 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)