

07.02.2024
Item No.22
Ct. No. 29
CHC
Rejected

C.R.M.(A) 403 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **560** of **2022** dated **07.12.2022** under Sections **21(c)/22(c)/23(c)/27A/28/29** of the Narcotic Drugs and Psychotropic Substances Act.
And

In the matter of : Aminul Islam

..... petitioner

Mr. Kkaushik Chaudhury,
Ms. Busra Khatun
....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Nirupam Dhali
....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. Police initially filed charge-sheet not naming the petitioner as an accused in the case. Therefore, police filed supplementary charge-sheet naming the petitioner as an accused.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, neighbours recorded statements under Section 161 of the Criminal Procedure Code implicating the petitioner. Arrested co-accused made confessional statement before the

seizure list witnesses, who are independent witnesses, implicating the petitioner before us. That apart, there are Call Details Recording of telephone calls between the arrested co-accused and the petitioner at the relevant point of time.

Materials in the Case Diary suggest nexus between the petitioner and the arrested co-accused as also the seized commercial quantity of narcotics. There are Call Details Recording between the arrested co-accused and the petitioner at the relevant point of time. That part, there are statements under Section 161 of the Criminal Procedure Code which suggests complicity of the petitioner in the incident.

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

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 403 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)