

21.02.2024
SL No. 29
Ct No. 29
SB

C.R.M. (A) 438 of 2024

In the matter of: Amal Barman @ Amul Barman

....Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the Petitioner

Mr. Sanjay Bardhan, Id. Jr. Govt. Adv.
Ms. Mayakhi Mitra

...for the State

Report as called for by the order dated 13.02.2024 filed in court be taken on record.

Report shows that there is a call details recording of conversation between the petitioner and the person arrested with the commercial quantity of narcotic. Report also says that there are two criminal cases pending against the petitioner.

Learned counsel for the petitioner submits that in respect of the police case involving Sections 376/511 of the Indian Penal Code, petitioner was granted bail and that, in respect of other police case claimed to be involving the NDPS Act 1985, no recovery was made from the petitioner.

Learned counsel for the petitioner submits that the so called conversation was six days prior to the alleged incident. He also submits that the petitioner and the co-accused are from the same village.

At this stage we are not in a position to discount to the involvement of the petitioner simply because the conversation between the petitioner and the person arrested with the

commercial quantity of narcotic took place six days prior to the seizure.

Since there are call details recording of conversation between the petitioner and the person arrested with the commercial quantity of narcotic, in this police case and there are two previous police complaints against the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, the application for anticipatory bail is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)