

12.03.2024
Item No.6
Ct. No. 29
CHC
Rejected

C.R.M.(A) 865 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **145** of **2023** dated **06.03.2023** under Sections **21(c) and 29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Anrul Islam @ Anarul Sk

..... petitioner

Md. Wasim Akram

....for the petitioner

Mr. Arijit Ganguly

....for the State

Police seized the mobile phone belonging to the petitioner, from the place of occurrence, while seizing the commercial quantity of narcotics.

Petitioner, therefore, cannot be said to be standing on the same footing as that of the co-accused who was granted anticipatory bail by the order dated June 14, 2023 passed in CRM(A) 2126 of 2023. There the coordinate Bench found that there was no nexus between such co-accused and the commercial quantity of narcotics seized and/or the person arrested.

In such circumstances, we are of the view that, 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.

This application for anticipatory bail is, thus, rejected.

CRM(A) 865 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)