

23.09.2024
SL No.10
Court No.29
(gc)
(Rejected)

CRM (A) 3408 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No.43/2023 arising out of NCB Crime No.30/NCB/KOL/2023, under Section 8(C) read with 20(b)(ii) & 29 of the NDPS Act, 1985 for violation of the prohibition imposed under Section 8(c) of the NDPS Act, 1985.

And

In the matter of : **Koushik Barman**

- Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Soumya Basu Roy Chowdhuri
....For the Petitioner.

Mr. Krishnendu Bhattacharjee,
Mr. Sagar Saha

... For the NCB.

1. The learned Counsel for the petitioner submits that the petitioner is implicated on the basis of co-accused statements. It is also submitted that even if it is assumed that there had been conversations between the petitioner and all the arrested accused persons, the contents of such conversations is not known.
2. Although it appears that co-accused might have named the petitioner but having regard to the materials available in the case diary and, more particularly, the CDR details of the accused persons wherefrom it appears that there are existence of large number of phone calls between the petitioner and all the accused persons proximate in time to the arrest and the recovery of narcotic substance of commercial quantity, we are of the view that it is not a fit case for anticipatory bail.

3. Hence, we are not inclined to grant anticipatory bail to the petitioner.
4. Accordingly, the application for anticipatory bail is rejected.
5. The report filed by the NCB is taken on record.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)