

**22.01.2024**  
DL-79  
Court No.29  
(AD)  
(Rejected)

**C.R.M. (A) 5019 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No.**95 of 2023** dated **19.02.2023** under Sections **20(b)(c)/25/29** of the Narcotics Drugs and Psychotropic Substances Act. (NDPS Case No.14 of 2023).

And

In the matter of: **Bikash Sardar**

....petitioner.

Ms. Karabi Roy

... for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. Police are proceeding on the basis of the statement of the co-accused made while in custody. Police filed charge sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Attention of the Court is drawn to the call details recording between the petitioner and the person arrested with the commercial quantity of narcotics.

Commercial quantity of narcotics were seized from the co-accused.

There are call details recording of conversation between the arrested co-accused and the petitioner.

In such circumstances, 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) 5019 of 2023** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**