

CRM (A) 5259 of 2023

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 96 of 2023 dated 01.05.2023 under Sections 353/486/188/189 of Indian Penal Code and Sections 20/21/23/29 of the NDPS Act and Section 14A of the foreigners Act.

-And-

In the matter of : Suman Mandal @ Mondal

... ..petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Sudip Kumar

... ...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that petitioner was falsely implicated. Police are proceeding on the basis of the statements of the co-accused made while in custody. No narcotics was recovered from the possession of the petitioner.

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

A Bangladeshi National was arrested with commercial quantity of narcotics by the police. Such Bangladeshi National took the name of the petitioner. There is a criminal antecedents so far as the petitioner is concerned.

Independent of such statement of the co-accused, there are statements recorded under Section 161 of the Code of Criminal Procedure other persons implicating the petitioner in the narcotics business.

Complicity of the petitioner with the commercial quantity of narcotics seized and the co-accused cannot be overlooked at this stage.

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.

Thus, the prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5259 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)