

25.04.2024
Court No.01
Item No. 15

Rejected

sg

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 290 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with NDPS Case No. 47 of 2021 arising out of Alipurduar Range Prevention Unit, SI SL No. 02/21-22, dated 25.07.2021 under section 20(b)ii(c) of the NDPS Act.

And

In Re: **Pavan Yadav.**

Petitioner

Mr. Supriya Debnath

For the Petitioner

Mr. Aditi Shankar Chakraborty, Id. APP

Mr. Aniruddha Biswas

For the State

1. It is submitted on behalf of the petitioner that, considering the fact that investigation has already been completed and also considering the fact that the basis of implication of the present accused petitioner is the statements of the co-accused persons, the instant application for anticipatory bail may be allowed.
2. Mr. Aniruddha Biswas, learned Counsel appearing on behalf of the State, while opposing the prayer for anticipatory bail, submits before this Court that after apprehension of the track in question, 460.11 kg ganja was recovered from a secret chamber which has been duly welded by metal sheet in the container which is being carried by the track in question. It is further submitted by Mr. Biswas that by welding machine, the chamber was cut open and incriminating narcotic substance (commercial quantity) was recovered.
3. Considering the entire scenario as discussed (supra) and considering the seriousness of the crime, we are of the considered view that the present

accused person is unsuccessful in rebutting the statutory restriction under Section 37 of the NDPS Act. In view of such, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

4. CRM(A) 290 of 2024 is, thus, dismissed.
5. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)