

05.05.2025
Court No.28
Item No.20
tbsr
Rejected

CRM (A) 1312 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with DRI Crime No. NDPS/08/BTM/DRI/2009-10 registered with the Directorate of Revenue Intelligence, Berhampore Sub-Zonal Unit under Kolkata Zonal Unit under Sections 20(b)(ii)(c)/27A/2(viii-a)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Biplab Kumar Dey @ Pintu**

....Petitioner.

Mr. Himanshu De, Sr. Adv.

Mr. Navanil De

Mr. Rajeswar Chakraborty

Mr. Srinjan Ghosh

...for the petitioner.

Mr. Kaushik Dey

.....for the DRI.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The alleged incident took place on 07.09.2009. The petitioner was not the main accused in this case and was implicated only on the basis of the statement of a co-accused. However, a revisional application praying for quashing of the proceeding filed by the petitioner in 2011 being CRR 3655 of 2011 was dismissed on 07.11.2024.

Learned counsel appearing on behalf of the DRI submits as follows. 997 kgs. of ganja (net) was recovered from co-accused. Besides the statement of co-accused, there is SDR and CDR analysis of call records which shows that the petitioner and the co-accused were in touch at the relevant point. The petitioner did not cooperate with investigation. He did not respond to summons. Now, warrants have been issued and are pending against the petitioner. He relies on

an order passed by the Hon'ble Apex Court on 24.08.2021 in SLP Criminal No. 526 of 2021.

Considering the incriminating materials available against the present petitioner and in view of the restrictions contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail is rejected.

(Jay Sengupta, J.)