

20.01.2025
Ct. No.1
Sl. No.40
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 880 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 07.11.2024 in connection with Pradhan Nagar Police Station Case No.557 of 2023 dated 28.07.2023 under Sections 21(c)/22(c)/27A/29 of the NDPS Act. (NDPS Case No.50 of 2023)

And

In Re: **Rohit Pradhan**

... .. Petitioner

Mr. Siddhi Sethia
Ms. Rima Sarkar

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Biswaroop Roy

... .. for the State

1. It is submitted on behalf of the petitioner no narcotics was recovered from his possession. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. 29 bottles of *phensedyl syrup* were recovered from co-accused. Complicity of the petitioner transpired from statement of co-accused before police officer. It is contended statement of co-accused is inadmissible in law. However, petitioner was not available during investigation and had absconded. Under such circumstances, further investigation including custodial interrogation may unravel complicity of the petitioner in the crime.

4. In view of the nature of crime attracting restrictions under Section 37 of the NDPS Act and as petitioner was not available for interrogation during investigation, we are not inclined to grant anticipatory bail to him.

5. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)