

28.02.2022
Serial no. 44
Aloke
Ct. No. 29

CRM (NDPS) 177 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 04.02.2022 in connection with Hili P.S. Case No. 289 of 2021 dated 12.12.2021 under Sections 21(C)/22(C)/23(C)27A of the NDPS Act.

-And-

In the matter of: Amit Mahanta

... ..Petitioner

Ms. Busra Khatun, Advocate

... .. For the Petitioner

Mr. Sanjan Bardhan, Advocate

Ms. Manisha Sharma, Advocate

... ..For the State

Report as called for by the order dated February 16, 2022 filed in Court be taken on record.

It appears from the report that there are statements recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner in the incident of seizure of commercial quantity of narcotic. The police are not resting their case solely on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the petitioner submits that another co-accused was granted anticipatory bail by this Bench on February 11, 2022 in CRM(A) 438 of 2022.

The co-accused granted anticipatory bail was on the finding that the police were unable to produce any material to establish nexus between such co-accused and the person arrest with commercial quantity of narcotics. So far as the petitioner is concerned, there are statements of witnesses recorded under Sections 161 of the Code of Criminal Procedure implicating the petitioner in the narcotics seized from the co-accused. The petitioner does not stand on the same footing as that of that co-accused granted anticipatory

bail in CRM(A) 438 of 2022. Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. We are, therefore, unable to grant bail to the petitioner.

CRM (NDPS) 177 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)