

Bhartiya Nagarik Suraksha Sanhita vs In Re : Nemai Ghosh on 6 February, 2025

06.02.2025

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sdas

CRM (A) No. 207 of 2025

with

CRM(A) 3856 of 2024

with

CRM (A) 167 of 2025

In Re : An application for anticipatory bail under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita.

And

In Re : Nemai Ghosh petitioner

Mr. Ayan Bhattacharya, Sr. Adv.

Mr. Antarikhya Basu

Ms. Madhumita Basak

Ms. Ritu Das

..... for the petitioner in

(CRM(A) 207 of 2025 &

CRM (A) 167 of 2025)

Mr. Gauranga Kumar Das

Mr. Sagar Saha

..... for the NCB in

CRM (A) 207 of 2025

Mr. Krishnendu Bhattacharya

Mr. Partha Chakraborty

..... for the NCB in

CRM (A) 167 of 2025

In Re : CRM (A) No. 207 of 2025

1.

Petitioner renews his prayer for anticipatory bail.

2. Learned Counsel for the petitioner submits he was no way connected with the alleged transaction in narcotics. No narcotics was recovered from his possession. He has been falsely implicated in a

series of cases. Though he responded to the notice under Section 67 of the NDPS Act, the earlier application was turned down on the ground that he had not co-operated with investigation. In this regard he refers to paragraph 29 of the first complaint as well as letter dated 23.03.2024 annexed at page no. 32 of the petition.

3. Learned Counsel for the NCB refers to paragraph 16 of the subsequent complaint and submits in spite of issuance of six notices petitioner did not appear for interrogation.

4. Having considered the aforesaid materials we note petitioner had responded to the first notice vide letter dated 27.03.2023 stating the reason why he was unable to attend due to illness. Subsequently four more notices were issued upon him and it is the petitioner's submission vide letter dated 23.03.2024 he denied his involvement in the narcotics trade and supplied relevant particulars with regard to bona fide business. Thereafter another notice dated 21.05.2024 was issued upon him which, however, remained unresponded.

5. Learned Counsel for the NCB submits nothing has been placed on record to show that the letter dated 23.03.2024 was received by the department. He seeks leave to take instruction in this matter.

6. Let the matter appear on 13.02.2025.

7. Learned Counsel for the petitioner submits he is ready and willing to co-operate with investigation. It is open to the investigating agency to issue notice upon the petitioner for interrogation and in the event notice is issued he shall respond the same in accordance with law.

(Subhendu Samanta, J.) (Joymalya Bagchi, J.)