

The Hon'ble Dr. Justice Shameem Akther

Criminal Petition No.10868 of 2017

Order:

Heard the learned Counsel for the petitioner/accused No.2, learned Additional Public Prosecutor appearing for the respondent- State and perused the record.

This Petition is filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner/accused No.2 in Crime No.163 of 2017 on the file of the Prohibition and Excise Police Station, Balanagar, registered for the offence punishable under Section 8(c) r/w 20 (b) (ii) of Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned Counsel for the petitioner would submit that the petitioner is falsely implicated in this case; nothing was seized from his house; Panchanama, dated 20-08-2017, is fabricated for the purpose of this case and ultimately prayed to allow this Petition.

The learned Additional Public Prosecutor opposed for grant of bail to the petitioner.

As per the record placed before this Court, accused No.1 was found in possession of 200 grams of Ganja. Pursuant to his confession, the Excise Police seized 1 kg of Ganja from house bearing No.11-81, Pardiwada, Fathenagar, Balanagar, said to be

belonging to the petitioner. The matter requires thorough investigation. There is every possibility of the petitioner causing disappearance of evidence. It is not a fit case to allow the application under Section 438 Cr.P.C.

Hence, the Criminal Petition is dismissed.

(Dr.Shameem Akther, J)

Dated: 16-11-2017
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