

**CRM 8759 of 2020
(Via Video Conference)**

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with STF P.S. Case No. 20/2020 dated 22.08.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Shailendra Singh Yadav**

..... petitioner

**Mr. Sekhar Kr. Basu, Sr. Adv.
Mr. Iqbal Kabir
Mr. Shiladitya Banerjee
Mr. Diptanshu Basu**

....For the petitioner

**Mr. Madhusudan Sur, Ld. APP
Mr. Pradipta Kr. Ganguly**

.....For the State

The petitioner claims that the petitioner had allowed an acquaintance to use the petitioner's new truck and it was such acquaintance and his associates who were apprehended with commercial quantity of phensedyl in such truck. The petitioner says that merely because the petitioner is the recorded owner of the truck would not imply that the petitioner is to be proceeded against, particularly when the petitioner had allowed his acquaintance to ply the truck.

For a start, there does not appear to be any agreement by which the truck was let out for a definite or indefinite period by the petitioner. Secondly, the contraband was recovered from a hidden chamber specially constructed at the base of the truck. It is highly unlikely that there would be a chamber of such special kind without the knowledge of the owner of the vehicle.

It is the further contention of the petitioner that the CFSL report on the goods confiscated has not yet been received. To this, the State submits that the report may be ready and has to be collected by the State. The relevant report should be collected and placed before the trial Court within a fortnight from date. In default of the report being placed before the trial Court within such time, the petitioner will be entitled to renew his prayer.

Prima facie, it appears that the petitioner was aware of the transaction. It is true that no contraband may have been recovered from the physical possession of the petitioner; but the circumstances are such that the recovery may be seen to have been made from the constructive possession of the petitioner as the owner of the vehicle, particularly since the contraband was found hidden in a special chamber that had been constructed at the base of the truck.

CRM 8759 of 2020 is rejected.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)