

13.04.2021

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Rejected

C.R.M. 854 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 289 of 2020 dated 19.10.2020 under Sections 20(6)(ii)(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Samim Sekh**
...Petitioner

Md. Sabir Ahmed
Md. Mujibar Ali Vashar
Mr. Apan Saha ... For the Petitioner

Mr. Sanjay Bardhan
Ms. Manisha Sharma ... For the State

The learned advocate for the petitioner submits that the petitioner is innocent of the charges and he has been implicated only because of the fact that he happens to be the owner of the vehicle, which was intercepted when plying with the contraband. Learned advocate also refers to an enclosed document by which he emphasizes that the vehicle was not in his control and possession when the offence was committed.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that commercial quantity of contraband was seized from the vehicle. The driver and khalasi of the said vehicle were arrested and the name of the present petitioner was revealed from them. Learned advocate also draws the attention of the Court towards document, which reflects that the present petitioner happens to be the owner of the vehicle.

Having regard to the materials which have been collected by the investigating agency and the nature and

complicity of the present petitioner in the alleged offence, we do not think that this is a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

CRM 854 of 2021 is thus dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)