

CRM 1121 of 2021

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sukhen Saha**

..... petitioner

**Mr. Rajdeep Majumder
Mr. Pritam Roy
Mr. Abhijit Singh**

....For the petitioner

**Mr. Swapan Banerjee
Mr. Suman De**

.....For the State

The petitioner is apprehending arrest in connection with Raghunathganj P.S. Case No. 575 of 2020 dated 12.11.2020 under Sections 21(c)/29 of the Narcotic Drugs & Psychotropic Substances Act in NDPS Special Case No. 259 of 2020.

It is submitted by Mr. Majumder that the seized contraband has not been seized from the possession of this petitioner. Secondly, that the offending vehicle was also not seized from his possession whereas it was seized from a parking place at NH 34 at Omarpur, P.S. Raghunathganj. Accordingly, he has sought for consideration of anticipatory bail.

Learned counsel for the State Mr. Swapan Banerjee has seriously objected to grant anticipatory bail that too in such a case of seizure of commercial quantity of contraband articles being Yuva Tablet approximately 4 kg. 750 gms.

It is further pointed out that the petitioner is the power of attorney holder of the offending vehicle which is reflected from page 70 of the case diary and our attention is also invited to the

statement of the co-accused persons at pages 34, 35 and 78 of the case diary and there has been antecedent against this petitioner in respect of similar nature of offence which is reflected from page 108 of the case diary.

In considering all these facts and the seizure list at pages 7 and 8 of the case diary dated 12.11.2020, we are of the view that in an offence alleged in respect of commercial quantity of contraband, the prayer for anticipatory bail would not be entertained.

Accordingly, the prayer for anticipatory bail is rejected.

Thus, CRM 1121 of 2021 is disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)