

CRM 2789 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalangi Police Station** Case No. **379 of 2020** dated **31.10.2020** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Toni Shaikh

.... Petitioner.

Mr. M. Chatterjee,
Mr. G. N. Imrohi,

... For the Petitioner.

Mr. S. Ghosh,
Mr. B. Banerjee,

... For the State.

The petitioner says that there was no recovery of contraband item from him. Recovery of 1500 bottles of phensedyl was made from a vehicle of which the petitioner happens to be the registered owner.

The State has produced the case diary. We find from the certificate of registration of the concerned vehicle that the petitioner is the owner of the vehicle. The onus is on the petitioner to explain how such a huge quantity of contraband item was found in his car.

In view of *prima facie* complicity of the petitioner in the alleged offence and keeping in view the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 we are not inclined to entertain the petitioner's prayer for anticipatory bail.

The prayer for anticipatory bail is rejected.

CRM No. 2789 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)