

30.11.2021
Court No.32
Item No. 176
Avijit Mitra

CRM 4399 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : Mahesh Paswan @ Mahesh Pisman & anr.

Petitioners

Mr. Mazhar Hossain Chowdhury

For the Petitioners

Mr. Ranobir Roy Chowdhury,

Mr. Mainak Gupta

For the State

Apprehending arrest in connection with Kushmandi P.S. Case No. 76 of 2020 dated 23.08.2020 under sections 21(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. Their names have transpired on the basis of co-accused statements. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioners is not warranted.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioner no.1 is the owner of the vehicle from which contraband substance above commercial quantity was recovered and the petitioner no.2 fled away from the spot.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary,

constructive possession of contraband substance above commercial quantity *prima facie* cannot be ruled out and in view thereof, the rigors of Section 37 of the N.D.P.S. Act are attracted.

Accordingly, the application being CRM 4399 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)