

66 09.11.2021
(AD) Court No.29
(Rejected)

**C.R.M. 6736 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **04.10.2021** in connection with **Hili** P.S. Case No. **194 of 2021** dated **30/08/2021** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: - Guddu Barman @ Bibhash Barman & Anr.
...petitioners.

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioner submits that no contraband was recovered from the possession of the petitioners.

Learned Advocate appearing for the State submits that contraband of commercial quantity was recovered from the possession of the mother of the petitioner no.1. He submits that the mother of the petitioner no.1 named the petitioners as the persons who stored the contraband in the house previously. The petitioners fled away from the site at the time of the seizure. He submits that the investigations are yet to be concluded.

Considering the materials in the case diary and considering the fact that commercial quantity of contraband was seized from the possession of the mother of the petitioner no.1 and considering the fact that the mother of the petitioner no.1 named the petitioners as the persons who stored the contraband at her house, we are of the view that the petitioners failed to overcome the restrictions under Section 37 of the NDPS Act,

1985. Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail, C.R.M. 6736 of 2021, is rejected.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)