

18.02.2021

Item No.140

Ct.No.28

dc.

Rejected

C.R.M. 8334 of 2020

with

C.R.A.N. 1 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Ajijul Islam @ Azijul Islam**

... Petitioner.

Mr. Atis Kumar Biswas,
Mr. Amit Singh

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta

... For the State.

Apprehending arrest in connection with Hogalberia P.S. Case No. 44 of 2020 dated 24.03.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner is a doctor and he has been falsely implicated in this case because of the act of his driver who was found to be in possession of 30 kgs. of contraband (ganja) while using the vehicle which was in the name of the present petitioner. The learned advocate further submits that as the investigation has been concluded, custodial interrogation or detention may not be warranted so far as the present petitioner is concerned.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the quantity of contraband so seized was of commercial quantity and the petitioner as such may not be granted the privilege of anticipatory bail.

We have taken into account the materials collected by the investigating agency and the locus of the present petitioner who is the registered owner of the vehicle through which the contraband has been carried and has been intercepted by the investigating agency.

Having regard to the fact that the quantum of contraband so seized and the petitioner has been implicated under Section 29 along with other sections of the N.D.P.S. Act, we are of the opinion that the provisions of Section 37 of the N.D.P.S. Act would be attracted so far as the present petitioner is concerned. In view thereof, the petitioner is not entitled to be granted the privilege of anticipatory bail. As such, prayer for anticipatory bail is **rejected**.

With the aforesaid observations, CRM 8334 of 2020 is dismissed.

In view of dismissal of the application for anticipatory bail, no further order need be passed on the application being CRAN 1 of 2020 and as such, the same is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)