

21.09.2021
Court No.01
Item No. 46
Rejected
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 326 of 2021
(Via Video Conference)**

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

And

In Re : **Selim Hossain @ Salim Hossain** Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Ujjwal Luksom

Mr. Sourav Ganguly

For the State

Apprehending arrest in connection with Sahebganj Police Station

Case No. 586 of 2019 dated 28.11.2019 under section 21(C) of the

Narcotic Drugs and Psychotropic Substances Act, the petitioner has

filed the present application.

Mr. Guha, learned advocate appearing for the petitioner submits
that the petitioner has been falsely implicated. No contraband
substance was recovered from his possession. He is the owner of the
motor bike and as such he has been roped in on the basis of mere
suspicion.

Mr. Ganguly, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary. He further submits that contraband substance was recovered from the motor bike of which the petitioner is the owner and the person driving the motor bike fled away from the place of occurrence. However, the documents pertaining to ownership of the motor bike were recovered from the house of the petitioner herein.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima

facie, as the petitioner is the owner of the motor bike and the documents pertaining to the same were recovered from his house and as the case involves recovery of contraband substance, above commercial quantity, we are of the opinion that rigors of section 37 of the N.D.P.S. Act are attracted. In view thereof, the prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. No. 326 of 2021 is dismissed.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)