

16.09.2021
tkm/ct 29
sl no. 2

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 933 of 2021
(Via Video Conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with C.R case no. 59 of 2020 arising out of Bagdogra Excise Circle Sl. Case no. 108/20-21 dated 22.9.2020 under section 20(b) of the NDPS Act read with section 46A(c) /52 of the Bengal Excise Act

And

In Re : Sukumar Mandal petitioner

Mr. Prabir Majumder
Mr. Sudip Sarkar

..... for the petitioner

Mr. Biswarup Roy

..... for the State

Petitioner seeks anticipatory bail.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. No recovery was made from the possession of the petitioner. The recovery took place at the dilapidated house. There is no connection between the petitioner and the house at which recovery was made.

Learned advocate for the State submits that recovery was of commercial quantity of ganja. Two motor vehicles were seized from the spot. Petitioner is the registered owner of one of the motor cycles, so seized.

Considering the facts and circumstances of the case and bearing in mind the fact that motor cycle belonging to the petitioner was seized from the spot where the recovery was made, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)