

10.03.2022

Court No.32

SM,J.

BM/Sl. No.149

CRM (A) 58 of 2022

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

And

In Re: Pritwish Barman

- Petitioner

Mr. Debasish Banerjee

Mr. Subrata Saha

... for the Petitioner.

Mr. Sanjoy Bardhan

Ms. Manisha Sharma

... for the State.

Apprehending arrest in connection with Hili Police Station Case No.32 of 2021 dated 23.02.2021 under Sections 21(c)/22(c)/23(c)/27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has filed the present application, praying for anticipatory bail.

Learned lawyer appearing for the petitioner submitted that the present petitioner is falsely roped in this case. Investigation was initiated on 23rd February, 2021 and more than one year lapsed since then. At present, custodial detention of the petitioner is not necessary. Accordingly, he prayed for anticipatory bail.

Mr. Bardhan, learned lawyer appearing for the State vehemently opposed the bail application on the ground that contraband article of commercial quantity was recovered from the custody of the petitioner who was carrying those contraband substances in his motor cycle. He was intercepted when he disclosed his name and then in course of investigation he fled away leaving the motor cycle and contraband articles. Contraband articles, motor cycle and the Adhar card of the petitioner was

seized. He is the owner of the motor cycle. Since, this is a case of seizure of contraband article of commercial quantity from the possession of the petitioner, the rigors of Section 37 is applicable and accordingly, he strongly opposes the bail.

We have heard rival submissions and perused the case diary. From the seizure list it appears that contraband article of commercial quantity has been recovered from his custody. He is also the owner of the motor cycle. Rigors of Section 37 is applicable in this case.

He is absconding for more than one year causing interruption in the investigation. Since, investigation is still pending and since rigors of Section 37 applies, we are not inclined to allow the petitioner on anticipatory bail and the same is rejected.

CRM (A) 58 of 2022 stands disposed of.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)