

28.03.2022
Sl. 6
Court No.29
sourav
(Rejected)

C.R.M. (A) 745 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09.02.2022** in connection with **NCB** Crime No. **79** of **2021** dated **25.11.2021** under Sections **8(c) r/w 22(c)/28/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Debjyoti Mondal**

....petitioners.

Mr. Sujit Kumar Rath,
Mr. Sukumar Sarkar,
Mr. Arindam Saha,

...for the petitioners.

Mr. Y. J. Dastoor, Ld. ASG,
Ms. Tapasi Palit,

...for N.C.B.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is no longer the owner of the vehicle from which commercial quantity of narcotics was seized. He submits that the petitioner executed a power of attorney in favour of his father.

Learned Additional Solicitor General appearing for the Narcotics Control Bureau submits that the seizure took place on November 25, 2021. He refers to the so-called power of attorney which is claimed to be executed on November 30, 2021.

The seizure took place on November 25, 2021 when admittedly on the basis of the document disclosed in the application for anticipatory bail, the petitioner was the owner of such vehicle.

Considering the fact that commercial quantity of narcotics was seized from the vehicle belonging to the petitioner, we are of the view that the petitioner is unable to rebut the presumption under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the

petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 745 of 2022 is, thus, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

