

CRM (A) 1173 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.03.2022 in connection with Barrackpore Excise Division SI seizure List No. 08/21-22 dated 27.07.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

-And-

In the matter of : **Gouri Sau @ Gouri Shaw**

... ..Petitioner

Mr. Koustav Bagchi, Advocate

Mr. Debayan Ghosh, Advocate

... .. For the Petitioner

Mr. Sanjay Bardhan, Advocate

Ms. Baishakhi Chatterjee, Advocate

... .. For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that no recovery was made from the possession of the petitioner. The petitioner was falsely implicated. The petitioner is an occupant of a multistoried building. The Excise Department is proceeding against the petitioner on the basis of the statement of the co-accused made while in custody. The Excise Department filed the prosecution report.

Learned Advocate appearing for the State submits that commercial quantity of narcotic was seized from a flat in which the petitioner was one of the occupants.

Considering the fact that commercial quantity of narcotic was recovered from a flat and considering the fact that the petitioner is one of the occupants of such flat, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 1173 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)