

15.03.2022

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Ct. No 29

KAUSHIK
(REJECTED)

C.R.M. (A) 1228 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hasnabad** Police Station Case No. **163** of **2021** dated **18.03.2021** under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Tapan Sarkar.

..... petitioner

Mr. Nimay Ray

.... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner initially responded to the notice issued to him when the Investigating Officer (I.O.) was not present. On the second occasion, the brothers of the petitioner went when the I.O. wanted the petitioner to be present.

Learned advocate appearing for the State submits that, commercial quantity of contraband was seized from a vehicle owned by the petitioner.

Considering the fact that the seizure of the commercial quantity of narcotic was made from the vehicle, which is owned by 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, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 1228 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)