

29.03.2022
20
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. (A) 1435 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **209** of **2021** dated **02.09.2021** under Section 20(c) of the Narocotic Drugs and Psychotropic Substances Act.

And

In Re : Lakshman Halder

..... petitioner

Mr. Tapas Kumar Paul

.... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

Petitioner renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the prayer for anticipatory bail was rejected on the ground that the police did not file charge-sheet. The police now filed charge-sheet and, therefore, detention of the petitioner is not required.

Learned advocate appearing for the State submits that, commercial quantity of narcotic was recovered from the house belonging to the petitioner.

In response, learned advocate appearing for the petitioner submits that, the property belonged to his father.

Considering the fact that narcotic of commercial quantity was recovered from the house belonging to the father of 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) 1435 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)