

02.05.2022

19

Ct. No. 29

**KAUSHIK  
REJECTED**

**C.R.M.(A) 2002 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ashoknagar** Police Station Case No. **122** of **2021** dated **12.02.2021** under Sections 20(b)(ii)(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Prasanta Sarker alias Prasanta Sarkar

..... petitioner

Mr. Angsuman Chakraborty

....for the petitioner

Mr. Sanjoy Bardhan

Mr. D. Dasgupta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, no recovery was made from the possession of the petitioner. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that, the vehicle from where the commercial quantity of narcotic was seized belongs to the petitioner as the owner. There are criminal antecedents so far as the petitioner is concerned. There is another police complaint involving narcotic as against the petitioner. In the present case, warrant of arrest and proclamation were issued. The police conducted search and

seizure at the residence of the petitioner whereupon 586 bottles of 'phensidyls' were recovered and a separate police case was started.

Considering the fact that narcotic of commercial quantity was seized from the vehicle owned by the petitioner, it can be said that the petitioner was conscious possession of such narcotic. Consequently, the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. We are, therefore, unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 2002 of 2022 is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**