

13.05.2022
Serial no. 25
[Dd]
(Anticipatory bail
Rejected)

CRM (A) 2160 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chakulia** Police Station Case No. **120** of **2021** dated **12.05.2021** under Sections **21(C)** of NDPS Act, being NDPS case No. **23 of 2021**.

-And-

In the matter of : **Subhash Prashad Saha**
... ..**Petitioner**

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sampurna Chatterjee,
Mr. Sourav Mondal,
Ms. Priya Chakraborty, Advocate
... .. For the Petitioner

Mr. Binoy Panda,
Mr. Subham Bhakat, Advocates
... ..For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner gave the go-down on rent. The person arrested with the commercial quantity of narcotic is the son of the tenant of the petitioner. The petitioner is now being falsely implicated. He refers to the tenancy agreement annexed to the petition.

Learned advocate appearing for the State submits that the petitioner is the owner of the go-down. The petitioner and the so-called tenant are brothers. There is every possibility of the tenancy document sought to be relied on behalf of the petitioner to be fabricated for the purpose of the present litigation.

Commercial quantity of narcotic was recovered from the go-down which is owned by the petitioner. The petitioner, therefore, can be said to be in conscious possession of the commercial quantity of narcotic. Therefore, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Accordingly, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 2160 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)