

04.07.2022

39

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3144 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **NDPS Seizure** Case No. S/C No. **13/NDPS/CL/Phensedyl/BCPU/CCP/WB/2021-22** dated **27.11.2021** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Sabur Molla

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Ms. Rajashree V. Kundalia

....for the Customs Authority

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands on the same footing as that of the other co-accused who was enlarged on anticipatory bail on June 15, 2022 passed in CRM(A) 2665 of 2022.

Learned advocate appearing for the Customs Authority submits that, seizure of commercial quantity of narcotic was made from the vehicle of the petitioner.

In such circumstances, since the commercial quantity of narcotic was seized from the vehicle of the petitioner, we find that the petitioner does not stand on the same footing as that of the other co-accused who was enlarged on anticipatory bail.

In view of the constructive possession of the petitioner on the commercial quantity of narcotic seized, 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.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3144 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)