

04.08.2022
Serial no.9
Aloke

CRM (A) 3597 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Patiram Police Station Case No. 129 of 2022 dated 05.07.2022 under Sections 27/27A/28/28A/28B of the Drugs and Cosmetics Act.

-And-

In the matter of : **Bablu Barman @ Bablu Mondal**
... .. Petitioner

Mr. Kaushik Choudhury, Advocate
Ms. Busra Khatoon, Advocate
... .. For the Petitioner

Mr. Sanjay Bardhan, Advocate
Ms. Baishali Chatterjee, Advocate
... ..For the State

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner.

Learned Advocate appearing for the State submits that the petitioner was initially intercepted with commercial quantity of narcotics being 5618 numbers of buprenorphine injections by the Border Security Forces personnel. The petitioner fled away leaving a Scooty behind. The police made the re-seizure. He submits that the police applied for adding the provisions of NDPS Act, 1985 which was allowed by the jurisdictional Court.

It appears from the records that the vehicle which was seized stands in the name of the wife of the petitioner.

Commercial quantity of narcotics were seized. The Scooty was also seized along with commercial quantity of narcotics. The Scooty belongs to the wife of the petitioner. Therefore, conscious possession of the petitioner over the commercial quantity of narcotics that were seized cannot be discounted.

Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

The prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 3597 of 2022 is dismissed.

It appears from the records that initially police case was registered under the provisions of the Drugs and Cosmetics Act and despite the seizure of such quantity of narcotics. It was only after the

intervention of the learned Advocate for the State that the police took steps for the purpose of adding the provisions of the NDPS Act, 1985.

The jurisdictional Superintendent of Police will take appropriate steps as against the Investigating Officer as also the Officer-in-Charge of the Police Station with regard to this matter.

Learned Advocate for the State is requested to communicate this order to the jurisdictional Superintendent.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)