

26.08.2022
Serial no.22
Aloke

CRM (A) 4093 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 97 of 2022 dated 15.02.2022 under Sections 20(b)(II)(C) of the NDPS Act.

-And-

In the matter of: **Mandira Das Sen & Anr.**

... .. Petitioners

Mr. Tanmay Basu, Advocate
Mr. D. Mandal, Advocate
Mr. S. Mitra, Advocate

... .. For the Petitioners

Mr. Rudradipta Nandi, Id. APP
Mr. Saryati Datta, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the first petitioner is the owner of the vehicle. She executed a power of attorney in respect of such vehicle. The petitioners were falsely implicated.

Learned Advocate appearing for the State submits that commercial quantity of narcotics was seized from the vehicle owned by the first petitioner. The second petitioner is the husband of the first petitioner. The second petitioner manages the affairs of the vehicle.

Commercial quantity of narcotics was seized from the vehicle which is owned by the first petitioner. The second petitioner is the husband of the first petitioner. Constructive possession over the seized commercial quantity of narcotics by the petitioners, in the facts of the present case, at this stage, cannot be ruled out.

In such circumstances, we are of the view that the petitioners are unable to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail of the petitioners is rejected.

CRM (A) 4093 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)