

26.08.2022
Serial no.23
Aloke

CRM (A) 4094 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 596 of 2022 dated 08.07.2022 under Sections 20(b)(ii)(C)/25/29 of the of the NDPS Act.

-And-

In the matter of: **Karttik Bhattacharya**

... .. Petitioner

Mr. Krishnendu Bhattacharya, Advocate
Mr. Priyankar Ganguly, Advocate
Ms. Shalini Bairagi, Advocate

... .. For the Petitioner

Mr. Sanjay Bardhan, Advocate
Mr. Palash Chandra Majhi, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the vehicle from where the commercial quantity of narcotics seized was sold much prior to the date of the seizure. He refers to an agreement for sale in support of such contention.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the certificate of registration of the vehicle which stands in the name of the petitioner in the records of the Motor Vehicles Department.

The records in the Motor Vehicles Department establishes that the petitioner is the owner of the vehicle on the date of seizure with the commercial quantity of narcotics. Therefore, the constructive possession of the petitioner in respect of commercial quantity of narcotics seized cannot be overlooked.

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

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

The prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 4094 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)