

CRM 8650 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Biplab Poddar**

..... petitioner

Mr. Subrata Saha

.....For the petitioner

Mr. Suman De

.....For the State

Apprehending arrest in connection with Gangarampur Police Station Case No. 292 of 2019 dated 07.08.2019 under Sections 21(c)/22(c)/23(c)/27(A)/28/29 of the Narcotic Drugs and Psychotropic Substance Act, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance from his possession. Upon completion of investigation, charge sheet has been submitted and as such, custodial interrogation is not necessary.

Mr. De, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the vehicle which was intercepted. The petitioner is the owner of the vehicle and as such, his involvement in the said offence cannot be ruled out.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the petitioner is the owner of the vehicle from which contraband substance was recovered. In view thereof, *prima facie*, the petitioner's involvement in the alleged offence cannot be ruled out. The statutory restrictions are attracted in the facts and circumstances of this case and as such, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for anticipatory bail is refused.

The application being CRM 8650 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)