

07.09.2022

Sl.39

Court No.29

(AD)

(Rejected)

C.R.M. (A) 4313 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mollarpur** Police Station Case No.**181 of 2021** dated **27/08/2021** under Section **21(c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Nekbar Sekh @ Sk.**

....petitioner.

Mr. Prasenjit Mukherjee
Mr. Saptarshi Chakraborty

...for the petitioner.

Mr. Ranadeb Sengupta

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that nothing was recovered from the possession of the petitioner.

Learned Advocate appearing for the State submits that commercial quantity of narcotics was seized along with the motor vehicle belonging to the petitioner.

The seizure of the commercial quantity of narcotics was made along with the seizure of the motor vehicle belonging to the petitioner.

Constructive possession of the petitioner over the seized commercial quantity of narcotics cannot be overlooked at this stage.

In such circumstances, 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, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4313 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)