

12.09.2022

37

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4382 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pandabeswar** Police Station Case No. 59 of 2022 dated **13.05.2022** under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Krishna Sarkar @ Krishna Gopal Sarkar

..... petitioner

Mr. Debarshi Brahma

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, no recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State submits that, recovery was made from a house, which was illegally occupied by the petitioner. The petitioner managed to flee away at the time of search and seizure. The petitioner is the father of one of the person arrested with commercial quantity of narcotic.

Conscious possession of the petitioner in respect of commercial quantity of narcotic seized cannot be overlooked at this stage. There is a relationship between the petitioner and one person arrested with commercial quantity of narcotic.

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, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4382 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)