

04.11.2022

21

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5073 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **219** of **2021** dated **26.09.2021** under Sections 14A(b)/14C of the Foreigners Act read with Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Fulmani Pahan @ Phulkali Pahan

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

....for the petitioner

Mr. Ranadeb Sengupta

....for the State

Commercial quantity of narcotic was recovered from the house of the husband of the petitioner. Constructive possession of the petitioner over the commercial quantity of narcotic recovered cannot be overlooked at this stage.

The Bangladesi national, who was arrested, names both the husband of the petitioner and the petitioner as the persons involved.

There are statements of neighbours implicating the petitioner.

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) 5073 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)