

CRM (A) 5192 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 277 of 2022 dated 13.07.2022 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Salam Sardar & Ors.**

... ... Petitioners

Mr. Sumanta Das, Advocate

... ... For the petitioners

Mr. Saibal Bapuli, Id. APP

Ms. Sayanti Santra, Advocate

... ... For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that no recovery was made from the possession of the petitioners.

Learned Advocate appearing for the State submits that the first petitioner is the driver of the vehicle which was seized along with the commercial quantity of narcotics. The first petitioner fled away at the time of the raid. She submits that the second petitioner is not named as an accused in the police case.

In view of the statement of the State that the second petitioner is not an accused in the present police case, CRM (A) 5192 of 2022 is dismissed as withdrawn so far as the second petitioner (Sukanta Hira) is concerned.

So far as the first petitioner (Salam Sardar) is concerned, there are materials in the case diary which suggests that he was the driver of the vehicle which was seized along with the commercial quantity of narcotics.

In such circumstances, we are of the view that the first petitioner (Salam Sardar) is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the first petitioner (Salam Sardar).

Prayer for anticipatory bail of the first petitioner (Salam Sardar) is rejected.

CRM (A) 5192 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)