

21.11.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5312 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. **292** of **2021** dated **13.12.2021** under Sections 21(C)/22(C)/23(C)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Subrata Kundu

..... petitioner

Ms. Busra Khatun

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Debjani Sengupta

....for the State

The petitioner is the owner of the vehicle, which was seized along with commercial quantity of narcotic. Constructive possession of the petitioner over the narcotics cannot be overlooked.

In such circumstances, we are of the view that the petitioner is unable to rebut the presumptions 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) 5312 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)