

**22.11.2022**  
**Serial no. 26**  
[Dd]  
(Anticipatory bail)  
(**Rejected**)

**CRM (A) 5354 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. **182** of **2022** dated **08.08.2022** under Sections **21(c)/22(c)/23(c)/27A** of the Narcotic Drugs & Psychotropic Substances Act, 1985 corresponding to G.R. No. 1579 of 2022,

**-And-**

In the matter of : **Chintu Barman @ Chandi Barman**  
... ..**Petitioner**

Mr. Pappu Adhikari,  
Mr. Debanjan Das,  
Mr. Sakhawat Khandakar,  
Ms. Swati Jha, Advocates  
... .. For the Petitioner

Mr. Swapan Banerjee,  
Mr. Suman De, Advocates  
... ..For the State

There are materials in the case diary suggesting that the petitioner is the owner of the vehicle from where the seizure of commercial quantity of narcotic was made. The petitioner was seen to flee away from the spot.

As an owner of the toto vehicle, constructive possession of the petitioner in respect of the commercial quantity of narcotics seized cannot be overlooked.

In such circumstances, we are of the view that the petitioner is unable to overcome the restriction under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

**CRM (A) 5354 of 2022 is dismissed.**

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**