

C.R.M. (A) 5391 of 2022

23.11.2022
Sl.43
Court No.29
(AD)
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Airport** Police Station Case No.**168 of 2022** dated **11/06/2022** under Sections **22(c)/25/28/29** of Narcotics Drugs and Psychotropic Substances Act, corresponding to N Case No.73/22.

And

In the matter of: **Anup Kumar**

....petitioner.

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Mr. Hari Krishna Srivastava
Mr. Shiv Mohan Salanki
Mr. Mahesh Kashyap

... for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

... for the State.

Petitioner prays for anticipatory bail.

Commercial quantity of narcotics was seized from a vehicle of which the petitioner is the owner.

In such circumstances, constructive possession of the petitioner over the commercial quantity of narcotics seized cannot be overlooked. The petitioner is, therefore, 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, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5391 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)