

13.12.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5777 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **344** of **2022** dated **03.08.2022** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Ainul Sk. & Anr.

..... petitioner

Ms. Chandrima Debnath

....for the petitioner

Mr. Ranadeb Sengupta

....for the State

Seizure of commercial quantity of narcotic was made from the house belonging to the petitioners. Seizures were made in several parts.

In such circumstances, the constructive possession of the petitioners over the commercial quantity of narcotic cannot be overlooked.

The petitioners are, therefore, unable to rebut the presumption under Section 37 of the NDPS Act, 1985.

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

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 5777 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

