

20.12.2022
Serial no. 12
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 5885 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS** case No. **279 of 2021** arising out of **Raghunathganj** Police Station Case No. **783** of **2021** dated **10.12.2021** under Sections **21(c)/29** of the NDPS Act, 1985.

-And-

In the matter of : **Ajay Biswas**

... ..**Petitioner**

Mr. Madhushri Dutta, Advocate
... .. For the Petitioner

Mr. Saryati Datta, Advocate
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was not driving the truck. Somebody else was. The petitioner was obviously not arrested from the spot.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the owner of the truck assigned the truck to a company. The assignee company wrote to the police stating that the petitioner was the driver of the truck.

Commercial quantity of narcotic was seized from the truck of which, the assignee company of the truck states that, the petitioner was the driver.

There are materials in the case diary suggesting that, the people fled away from the spot at the time of raid.

There is the possibility of the petitioner fleeing away at the time of the raid.

There are documentary evidence suggesting that the petitioner was the driver of the truck.

Therefore, constructive possession of the petitioner over the commercial quantity of narcotics seized at the time of raid, cannot be overlooked.

The petitioner is, therefore, unable to overcome the restrictions 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) 5885 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)