

21.12.2022
Serial no.27
Aloke

CRM (A) 5921 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1134 of 2022 dated 05.10.2022 under Sections 21(C)/27A/29 of the NDPS Act, 1985.

-And-

In the matter of : **Md. Asraul Hoque & Ors.**

... .. Petitioners

Mr. Partha Pratim Das, Advocate

Ms. Debjani Roy Chaudhuri, Advocate

... .. For the Petitioners

Mr. Ranadeb Sengupta, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Commercial quantity of narcotics was seized from the place in which, the petitioners apparently reside.

There are materials in the case diary that is to say, statement of witnesses claiming that the petitioners are involved in the business of narcotics.

The investigations are yet to be concluded.

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

Consequently, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

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

Prayer for anticipatory bail of the petitioners is rejected.

CRM (A) 5921 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)