

11.01.2023
Sl.16
Court No.29
(AD)
(Rejected)

C.R.M. (A) 106 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No.**220 of 2021** dated **26.09.2021** under Sections **20(b)(ii)(c)/21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (corresponding to Special Case No.86 of 2021) and charge sheet has been submitted being Charge Sheet No.174 of 2022 dated 23.08.2022 under Sections **20(b)(ii)(c)/21(c)/22(c)/23(c)/27A** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Swapan Ray @ Swapan Roy**

....petitioner.

Ms. Busra Khatoon

... for the petitioner.

Mr. T.D. Nandy

Mr. Antarikhya Basu

...for the State.

Petitioner prays for anticipatory bail.

Commercial quantity of narcotics was seized from house which is claimed by the State to be belonging to the petitioner.

The sister of the petitioner was present at the time of the seizure of the commercial quantity of narcotics.

Consequently, constructive possession of the petitioner over the commercial quantity of narcotics seized at this stage cannot be overlooked.

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

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 106 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

