

07.02.2023

39

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 543 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. **60** of **2022** dated **13.03.2022** under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Suranjan Das

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

....for the petitioner

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

Commercial quantity of narcotic was seized from a vehicle belonging to the petitioner.

Learned advocate appearing for the petitioner submits that, the petitioner claims that the vehicle was sold. In support of such contention, petitioner relies upon a Deed executed three months prior to the incident and a letter to the Road Transport Office.

Since, commercial quantity of narcotic was seized from the possession of the vehicle belonging to the petitioner, at this stage, constructive possession of the petitioner of the seized commercial quantity of narcotic cannot be overlooked. Consequently, the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

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

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 543 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)