

13.03.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 980 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Suti** Police Station Case No. **328** of **2022** dated **14.06.2022** under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Dilip Mandal @ Dilip- Mondal & Anr.

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatoon

....for the petitioner

Mr. Ranadeb Sengupta

....for the State

Owner of the vehicle was granted anticipatory bail by the Court on February 16, 2023 passed in CRM (A) 275 of 2023.

Petitioner before us are the driver and helper of the vehicle. They were let off on the request of the Block Development Officer since the vehicle was carrying passengers.

Commercial quantity of narcotic was seized from the possession of the conductor .

Conscious possession of the petitioners as the driver and helper of the vehicle cannot be overlooked at this stage.

In such circumstances, 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.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 980 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)