

20.04.2023

Serial no. 07

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1561 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ketugram** Police Station Case No. **68** of **2022** dated **19.02.2022** under Sections **8(b)/15(c)** of NDPS Act.

-And-

In the matter of : **Sadhan @ Dhulo Majhi**

... ..Petitioner

Mr. Debdas Khanna,
Mr. Soumik Ganguli,
Mr. Sourat Nandy, Advocates
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... ..For the State

Report as called for by the order dated April 13, 2023 filed in Court be taken on record.

BL&LRO reports that the plot of land is standing in the name of Mr. Jiten Majhi.

It is the claim of the petitioner that the petitioner is not the owner of the plot of land in question.

Learned advocate appearing for the State refers to the statement of the wife of Jiten Majhi recorded under Section 161 of the Code of Criminal Procedure where, she states that the plot of land was sold to the petitioner verbally.

Learned advocate appearing for the State submits that, the Panchayet Pradhan issued a certificate stating that the plot of land is in the actual possession of the petitioner and that the petitioner is enjoying usufruct of that plot of land.

Learned advocate appearing for the petitioner submits that oral sale cannot pass title of the property.

We are not deciding a civil suit. There are materials in the case diary suggesting a nexus between the petitioner and the person arrested with the seized commercial quantity of narcotics. We are concerned with the parameters laid down under Section 37 of the NDPS Act, 1985.

Consequently, in the factual background of the present case, we are of the view that 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.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 1561 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)