

**25.09.2023**

SL. 13

Court No. 29

Suvayan

(Rejected)

**C.R.M. (A) 3705 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **N 32/2022** arising out of NCB Crime No. **09/NCB/KOL/2022** under Sections **21(c)/29** of the NDPS Act as amended for violation of the prohibition imposed under Section **8(C)** of the NDPS Act.

And

In the matter of: **Aparna Podder**

....petitioner.

Mr. Angshuman Chakraborty

Mr. S. S. Saha

...for the petitioner.

Mr. Rajdeep Majumder

Mr. Sagar Saha

...for the UOI.

1. Heard learned Advocate for both the parties.
2. About 19,000 bottles of phensedyl was seized from two godowns out of which one godown stands recorded in the name of the present petitioner and another godown stands recorded in the name of the husband of the present petitioner.
3. It is submitted by learned Counsel for the petitioner that the present petitioner being a homemaker is merely a name lender and entire business was being run by her husband. The wife had executed a power of attorney in favour of her husband who had given both the godowns on rent to one Akhtar Islam.
4. Learned Counsel for the NCB submits that on their enquiry they came to know that aforesaid Akhtar Islam is a non-existent person and local Panchayat has also issued certificate to that effect.
5. In view of such fact, it is submitted by learned Counsel for the NCB that the entire transaction was being run with the active

knowledge of the husband and the wife (present petitioner).

6. Regard being had to the gravity of offence and seriousness of the charge and specifically bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 3705 of 2023** is dismissed.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

