

11.10.2023
SL. 19
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3791 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **354** of **2022** dated **07.10.2022** under Sections **21(c)** of the NDPS Act.

And

In the matter of: **Majarul Sk @ Majarul Islam**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

1. Heard learned Counsel for the parties.
2. 300 bottles of phensedyl were found from an abandoned motorcycle and the motorcycle was found to be registered in the name of the present petitioner. On the last occasion, we had asked learned Counsel for the State to find out whether any report has been lodged by the petitioner regarding theft or missing of the aforesaid motorcycle. The report submitted by the I.O. suggests that no such report has been filed by the petitioner.
3. Learned Counsel for the petitioner is not able to throw light on this aspect. Therefore, on the basis of presumption, a *prima facie* case under Section 21(c) of the N.D.P.S. act is made out against the petitioner.
4. Accordingly, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioners.

5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3791 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

