

03.01.2023
Serial no. 46
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 6105 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **245** of **2021** dated **29.10.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Corresponding to NDPS case No. 119 of 2021).

-And-

In the matter of : **Saheb Mondal**

... ..**Petitioner**

Mr. Anisur Rahman, Advocate

... .. For the Petitioner

Mr. Binay Panda,

Ms. Puspita Saha, Advocates

... ...For the State

Petitioner prays for anticipatory bail.

The petitioner apparently is the owner of the motorcycle from where the seizure of the commercial quantity of narcotic was made.

Consequently, the constructive possession of the petitioner over the commercial quantity of narcotic cannot be overlooked.

In such circumstances, the petitioner is not in a position to rebut the presumption 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) 6105 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)