

03.07.2024

Court No.29

Item No. 30

Rejected

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CRM (A) 2081 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 56 of 2023 dated 27.02.2023 corresponding to NDPS Case No. 26 of 2023 under Sections 20(b)(ii)(c)/29 of NDPS Act.

And

In Re: **Matu Biswas @ Mortuja Biswas**

Petitioner

Ms. Ipsita Ghosh

For the Petitioner

Mr. Ranadeb Sengupta

Ms. Debadrita Mondal

For the State

1. Ganja (narcotic substances) has been recovered from the house of the present petitioner. The daughter of the present petitioner has stated that his father along with Golam Mustafa was involved in a trading of Ganja.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that commercial quantity of Ganja has been recovered from the house of the present petitioner and it is not in dispute that the petitioner is the owner of the house from where narcotic substances have been recovered.
3. Considering the materials available in the case diary and having regard to the fact that the recovery is made from the house of the petitioner and the statement recorded under Section 161 Cr.P.C clearly stated that the present petitioner along with Golam Mustafa used to carry on business of narcotic notwithstanding the fact that Golam Mustafa granted anticipatory bail on the basis that he was named by his wife. The petitioner is the owner of the property from which the narcotic was seized and accordingly, prima facie, constructive possession is established.

4. On such consideration, we are not inclined to grant anticipatory bail to the petitioner.
5. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)