

03.01.2024
Item No.2
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4217 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **417** of **2023** dated **25.05.2023** under Sections **21(C)/22(C)/23(C)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Bhanu Pahan

..... petitioner

Ms. Busra Khatoon

....for the petitioner

Mr. Antarikhya Basu

....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By the order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Petitioner is present in Court.

Commercial quantity of narcotics were seized from the vehicle belonging to the petitioner. Vehicle is a motor cycle. Constructive possession of the petitioner over the seized commercial quantity of narcotics cannot be overlooked.

In such circumstances, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Consequently, we are unable to extend the interim order of anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4217 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)