

11.01.2024

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Ct. No. 29

S.D.

REJECTED

C.R.M.(A) 4948 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **302 of 2023** dated **15.03.2023** under Section **21(c)** and **29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In Re : Ajmal Mia @ Ajman Miya

..... petitioner

Md. Wasim Akram

...for the petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

...for the State

We perused the materials in the case diary.

Commercial quantity of narcotics were recovered by the Border Security Force Personnel.

The defacto-complainant is a Border Security Force Personnel who identified the petitioner and the person who fled the spot.

Constructive possession of the petitioner and the involvement in the incident cannot be overlooked at this stage.

Petitioner is unable to repel the presumption under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner and the prayer of anticipatory bail is rejected.

The application being CRM (A) 4948 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)