

**22.01.2024**  
DL-83  
Court No.29  
(AD)  
(Rejected)

**C.R.M. (A) 5026 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No.**122 of 2023** dated **22.05.2023** under Sections **20(b)2(ii)(c)/27(A)/25** of the Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Case No.52 of 2023).

And

In the matter of: **Sahin Malithya**

....petitioner.

Ms. Minoti Gomes  
Mr. Amanul Islam  
Mr. Sourav Mukherjee

... for the petitioner.

Kr. Swapan Banerjee  
Mr. Suman De

...for the State.

Commercial quantity of narcotics was seized from the vehicle owned by the petitioner.

Constructive possession of the petitioner over such seized commercial quantity of narcotics cannot be overlooked at this stage.

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

Consequently, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

**C.R.M. (A) 5026 of 2023** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

