

31.01.2024

Serial no. **ML 533**

Anticipatory bail

[Rejected]

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CRM (A) 5252 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1353** of **2023** dated **12.10.2023** under Sections **21(c)/27A/29** of the NDPS Act, 1985.*

(NDPS Case No. 96/2023)

-And-

In the matter of : **Dipak Mandal @ Bhullu**

... ..**Petitioner**

Mr. Amitabha Karmakar,

Mr. Arup Kr. Bhowmick, Advocates

... ... For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

Commercial quantity of narcotic was recovered from the house of the petitioner. Consequently, constructive possession of the petitioner over the commercial quantity of narcotic seized cannot be overlooked at this stage.

Petitioner is, therefore, unable to overcome the restrictions 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) 5252 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

