

02.02.2024
23
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 5287 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No. **279 of 2023** dated **24.08.2023** under Section **20(b)(ii)(c)/29** of the NDPS Act.

And

In Re : Allarakha Seikh

..... petitioner

Mr. Sanehasish Ghosh
...for the petitioner

Mr. Rudradipta Nandy
Mr. Rafikul Islam
Mr. Palash Chandra Maiti
Ms. Trina Mitra
...for the State

Commercial quantity of narcotics was seized from a vehicle of which the petitioner is the owner.

Materials in the case diary suggest that the vehicle was modified to house a secret chamber in which the commercial quantity of narcotics was found.

Constructive possession of the petitioner over the seized commercial quantity of narcotics cannot be overlooked.

In such circumstances, 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 and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 5287 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)