

06.02.2024
Item No.57
Ct. No. 29
CHC
Rejected

C.R.M.(A) 5466 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raninagar** Police Station Case No. **178** of **2023** dated **04.04.2023** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substance Act read with Section **14** of Foreigner Act.

And

In the matter of : Joinal Abedin @ Jony

..... petitioner

Md. Golam Nure Imrohi
....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Sandip Kundu
....for the State

Petitioner before us is the owner of the motor cycle which was seized along with commercial quantity of narcotics. Commercial quantity of narcotics was found in such motor cycle.

Considering the fact that petitioner is the owner of such vehicle, constructive possession of the petitioner over the seized commercial quantity of narcotics cannot be overlooked at this stage.

Consequently, petitioner is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

We are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 5466 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)