

06.02.2024

Serial no. 93
Anticipatory bail
[Rejected]
Dd

CRM (A) 5555 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No. **458** of **2023** dated **17.09.2023** under Sections **20(b)(ii)(c)/25/29** of the NDPS Act, 1985.*

-And-

In the matter of : **Gautam Prasad**
... ..**Petitioner**

Mr. Ravi Kumar Advocate
... .. For the Petitioner

Mr. Sudip Ghosh,
Mr. Palash Ch Majhi, Advocates
... ..For the State

Petitioner prays for anticipatory bail.

After a length of argument, learned advocate for the petitioner seeks leave to not press the application. Since in the midst of the submissions, we disclosed our mind, we do not deem it appropriate to allow the petitioner the luxury of not pressing the application.

Petitioner before us is the owner of the vehicle. Petitioner claims that the petitioner entered into a contract with Indian Oil Corporation for lease of such vehicle and that such lease was subsisting when the vehicle was seized.

Commercial quantity of narcotic was seized from the vehicle belonging to the petitioner.

Petitioner was in control of the vehicle. Petitioner was paying the salary of the driver of the vehicle.

Constructive possession of the petitioner over the 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.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 5555 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)