

13.02.2024
543(ML)
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 5622 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **174 of 2023** dated **22.09.2023** under Section **21(c)/22(c)/23(c)/27A** of the N.D.P.S. Act.

And

In Re : Akash Mondal

..... petitioner

Mr. Mazahar Hossain Chowdhury
...for the petitioners

Mr. Saibal Bapuli
Ms. Jonaki Saha
...for the State

Petitioner sets up an alibi to claim that the petitioner was not present at the place of occurrence.

Petitioner is the owner of the vehicle from which, commercial quantity of narcotics was seized.

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

Consequently, we are of the view that the petitioner is unable to overcome the restrictions of Section 37 of the N.D.P.S. Act.

Consequently, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 5622 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)