

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

16.05.2024.
22/tkm

**C.R.M. (A) 199 of 2024
CRAN 1 of 2024**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jaigaon P.S case no. 300 of 2022 dated 24.12.2022 under section 22(C) of the NDPS Act
and

In Re : Miraj Khan ... petitioner

Mr. Arijit Ghosh

..... for the petitioner

Mr. Kaloll Acharjee,
Mr. Aniruddha Biswas

..... for the State

Re : CRAN 1 of 2024

1. This application has been filed for recalling of the order dated 22.4.2024 for restoration of the application.

2. Having considered the averments made in the application being CAN 1 of 2024, order dated 22.4.2024 is recalled. The application is restored to its original file and number.

3. CAN 1 of 2024 is disposed of.

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4. Petitioner is the owner of a commercial vehicle. He submits he was unaware of narcotics being carried in the vehicle by his driver. He prays for anticipatory bail.

5. Learned lawyer for the State opposes the prayer for anticipatory bail.

6. We have considered the materials on record. We have also examined the authorisation in favour of the driver i.e.

Maloy Sarkar. The letter merely authorises Maloy Sarkar to drive the vehicle. Nothing is placed on record to show the vehicle has been let out to a third party.

7. In view of the aforesaid circumstances, we are of the opinion, petitioner had constructive and conscious possession of the vehicle which was used to transport narcotics.

8. Under such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

9. Accordingly prayer for anticipatory bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)