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08.07.2025
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (A) 354 of 2025

In Re : An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Madarihat Police Station Case No. 37 of 2025 dated 02.04.25 under Sections 21(c)/25/27A of the NDPS Act.

And

In Re : **Motahar Hossain @ Motabar Hossain**

Mr. Mayank Roy
Mr. Abhishek Singh
Ms. Priyasha Jha

... for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

... for the State.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is not the owner of the car which was seized by the investigating authority. He has no nexus with the alleged offence.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It appears that the petitioner was a regular user of the car belonging to his sister in law which was seized. Recovery of contraband articles was made from the residence of the co-accused. There are bank transactions

between the co-accused and the petitioner. Independent witnesses have implicated the petitioner.

In view of the above as well as statutory restrictions under Section 37 of the NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner.

Hence, prayer for anticipatory bail is rejected.

Case diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)