

09.09.2026
Court No.35.
D/L. 647.
Kausik
(Partly Allowed)

CRM (A) 2948 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sagarpara Police Station Case No. 530 of 2026 dated 7th July, 2026 under sections 21(C)/29 of the NDPS Act, 1985.

And

In the matter of : Babu Sk @ Bablu Sk & Ors.

.....Petitioners.

Mr. Arnab Chatterjee
Mr. Avik Ghosh
Ms. Ankusha Ghosh

.....for the Petitioners.

Mr. Ayan Basu
Mr. Goutam Banerjee

....for the State.

Learned advocate appearing for the petitioner submits that petitioners have been implicated on the basis of statement of co-accused in respect of a case wherein there were recoveries of 740 bottles of Codeine Phosphate Solution from other accused persons. There are no recoveries from the petitioners or their hide outs.

Learned advocate for the State opposes the prayer for anticipatory bail.

I have taken into account the report also which has been submitted by the investigating officer. The report reflects

that so far as petitioner nos. 1 and 2 are concerned there are no criminal antecedents against them neither in the present case there are money trail or call data records available. So far as the petitioner no. 3 is concerned, namely, Subedar Sk there are five criminal cases pending against him which includes two NDPS cases and other cases under Arms Act.

Having regard to the conduct of petitioner no. 3 namely, **Subedar Sk**, his prayer for anticipatory bail is **rejected**.

So far as petitioner nos. 1 and 2 are concerned their prayer for anticipatory bail is **allowed** as from the case diary it reflects that it is only from the statement of co-accused their name has surfaced in course of investigation.

As such, I direct that in the event of arrest, the petitioner nos. 1 and 2 namely, **Babu Sk @ Bablu Sk** and **Rajiv Sk @ Rajibul Sk** be released on bail subject to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

As the investigation of the case is in progress petitioner nos. 1 and 2 will report to the investigating officer within a period of 10 days and on all subsequent dates fixed by the investigating officer till the report in final form is submitted before the jurisdictional Court.

Memo of Evidence submitted be kept with the record.

Accordingly, CRM (A) 2948 of 2026 is **partly allowed**.

Memo of Evidence submitted be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)