

10.04.2025
SL.62
Ct.No.28
NB
(Allowed)

CRM (A) 1055 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola P. S. Case No.895 of 2024 dated 30th August, 2024 under Sections 21(c)/29 of the Narcotic Drugs Psychotropic Substance Act, 1985.

In the matter of : Md. Arif Sk.

... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.
...for the petitioner.

Mr. Rudradipta Nandy Id.APP
Md. Yaser A. Ismail.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in no way connected with the alleged offences. The only material appearing against him seems to be a statement of the co-accused.

Learned counsel appearing on behalf of the State relies on the case diary and submits that CDR and SDR analysis of the relevant phone numbers have not been collected. In the case diary, there is no other incriminating material against the petitioner except for the statement of the co-accused. Charge sheet has been submitted.

In view of the fact that other than the statement of the co-accused, which is inadmissible in evidence, there are no other materials available in the case diary implicating the present petitioner,

the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act, 1985.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions that he shall meet the Investigating Officer on regular dates and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall appear before the jurisdictional Court on the date fixed for appearance.

The application for anticipatory bail being **CRM(A) 1055 of 2025** is, thus, allowed.

The presence of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)