

04.04.2025
Court No.28
Item No.13
ssi

CRM (A) 1079 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Pukhuria** P.S. Case No.**485 of 2024** dated **23.08.2024** under Sections **21 (C) /29** of the NDPS Act.

And

In the matter of: **Rajiul Sekh**

....Applicant/Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Anand Keshori
Mr. Asraf Mondal

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. A commercial quantity of contraband was seized from the co-accused of this case. However, even after submission of charge sheet, the prosecution could not come up with anything more than statement of co-accused so far as the petitioner is concerned. Such statement is inadmissible in evidence.

Learned counsel appearing on behalf of the State submits as follows. CDR and SDR analysis has been done. As of now, no other materials are available against the present petitioner except the statement of the co-accused.

In view of the fact that the only material available of the petitioner is the statement of the co-accused, I am inclined to allow the anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall meet the I.O. of the case once a week till submission of report in final form and he shall not try to influence the witnesses or threaten them.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)