

25.04.2025

Item No.DL32
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1296 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 filed in connection with Kaliachak Police Station case no.1447 of 2024 dated 13.09.2024 under Sections 21(c), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 61(2) of the Bharatiya Nyaya Sanhita, 2023.
-and-

In Re : **TAIMUR ALI @ TAIMUR SK**

.....Petitioner

For the Petitioner :

Mr. Md. Wasim Akram
Ms. Sabrina Parvin

.....Advocates

For the State :

Ms. Subhasree Patel
Ms. Ankita Paul

.....Advocates

Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is the statement of a co-accused which is inadmissible in evidence.

Learned counsel appearing on behalf of the State files a memo of evidence, which is taken on record. She submits, upon instructions, that the CDR analysis would reveal that the petitioner had been in touch with other accused except the principal accused, but not at the relevant time. Except for this, there is only a statement of co-accused that would appear against the petitioner. It is also pertinent to mention that proclamation was issued against the petitioner, but only after the present application was filed before this Court praying for anticipatory bail.

In view of the fact that the only material available against the petitioner is the statement of co-accused, I am of the view that the petitioner has been able to rebut the restrictions contained in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Issuance of proclamation is now not an absolute bar in moving an application for anticipatory bail. Moreover, in the instant case, the proclamation was admittedly issued after the present application was filed before this Court.

Therefore, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1296 of 2025** is, thus, **allowed**.

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.)