

28.04.2025
Court No.28
Item No.46
ssi

CRM (A) 1335 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Lalgola** P.S. Case No.**985 of 2024** dated **29.09.2024** under Sections **21 (c)/29** of the NDPS Act.

And

In the matter of: **Md. Jahangir Hossain @ Babu @ Jahangir**

....Applicant/Petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Ms. Rituparna De Ghose

Ms. Ayana Dey

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been roped into in this case only on the basis of a co-accused statement which is inadmissible evidence. Charge sheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the petitioner was supposed to be recipient of the drugs in question. Several raids was held, but he could not be apprehended.

The seizure list witnesses appear to give out hearsay version or what can best at per with a version of a witness to an extra judicial confession of the co accused.

Therefore, it does not appear that apart from the statement of the co-accused, there is any substantial material available in the case

diary against the petitioner. Thus, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act.

In view thereof, the prayer for anticipatory bail is allowed.

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 not try to influence the witnesses or threaten them. The petitioner shall attend the jurisdiction Court on dates fixed. The petitioner shall appear before the learned trial Court and pray for regular bail within four weeks from this date.

The application for anticipatory bail is, thus, disposed of.

(Jay Sengupta, J.)