

07.05.2025
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 1507 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhagawangola** P.S. Case No.**535 of 2024** dated **21.10.2024** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Babar Sk. & Anr.**

....Petitioners.

Ms. Minati Gomes

Mr. Jisan Iqubal Hossain

...for the petitioners.

Mr. Sanjoy Bardhan

Mr. Manaranjan Mahata

.....for the State.

Reports filed on behalf of the State are taken on record.

Learned counsel appearing on behalf of the petitioners submits that charge sheet has been submitted and the only material available against the present petitioners is the statement of a co-accused which is not admissible in evidence.

Learned counsel appearing on behalf of the State submits that except for the statement of a co-accused there is no other material available in the case diary. The investigating agency has stated that there is no criminal antecedent of the petitioners and no calls were found to have been made between the petitioners and the prime accused as per analysis of the call records available.

In view of the fact that the co-accused's statement is the only against the petitioners, the petitioners have been able to rebut the

restriction contained in Section 37 of the NDPS Act and, therefore, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners 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 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 condition that the petitioners shall not threaten or intimidate witnesses and shall surrender before the trial court and obtain bail within four weeks from this date.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)