

15.05.2025

Item No.DL29
Court No. 28
Asraf, AR(Ct.)

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

ALLOWED

Case No. **CRM (A) 1568 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 Jamuria Police Station case no.212 of 2023 dated 15.05.2023 under Sections 20 (b) (ii) (c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.*

-AND-

In the matter of : **JOGENDAR BHAGAT**

.....Petitioner

For the Petitioner :

Mr. Uday Sankar Chattopadhyay

Ms. Trisha Rakshit

Ms. Aiswarya Datta

.....Advocates

For the State :

Mr. Saryati Dutta

Mr. Debanshu Ghorai

.....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 opposes the prayer for anticipatory bail and submits as follows. 20 Kg 900 Gms of Ganja was recovered from a co-accused. However, as against the petitioner, there is no other incriminating material present in the case diary except for the statement of a co-accused. There are no call records or criminal antecedents appearing as against the present

petitioner as would be evident from the case diary. Warrant of arrest is pending against the petitioner.

In view of the fact that the only material available against the petitioner is the statement of a 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.

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 petitioner shall surrender and obtain bail within five weeks and shall remain present before the learned Trial Court on every date fixed.

The application for anticipatory bail being **CRM(A) 1568 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.)