

20.05.2025
SL.44
Ct.No.28
NB
(Allowed)

CRM (A) 1614 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 in connection with Lalgola P.S. Case No.835 of 2024 dated 12.08.2024 under Section 21C()/29 of the NDPS Act.

And

In the matter of : Md. Mujtuba Hossain @ Tutul Sk.

.... petitioner

Mr. Arnab Chatterjee,
Mr. Avik Ghosh,
Ms. Poulami Bose,
Ms. Dhanusree Biswas.
...for the petitioner.

Mr. Saryati Dutta,
Ms. Debjani Sahu.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. There is no other material available against the present petitioner except the statement of a co-accused, which is inadmissible in evidence. The prayer for anticipatory bail of a co-accused was rejected as he had a WhatsApp chat with the principal accused. That is not the case here.

Learned counsel appearing on behalf of the State files a memo of evidence, which is taken on record and submits as follows. Apart from the statement of co-accused, there is no other material available against the present petitioner. Neither is there any CDR analysis of phone calls nor any mention of a criminal antecedent.

Considering the fact that there is hardly any material available against the present petitioner except for the statement of a co-accused, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act. In view of this and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to attend the jurisdictional Court on the dates fixed. The petitioner shall appear before the learned Trial Court and pray for bail within five weeks from this date.

The application for anticipatory bail being **CRM(A) 1614 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.)