

20.05.2025
Court No.28
Item No.76
ssi

CRM (A) 1647 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Bhagwangola PS Case No.**548 of 2024** dated **24.10.2024** under Sections **21 (C)/29** of the NDPS Act.

And

In the matter of: **Suman Sk & another.**

....Applicants/Petitioners.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

...for the petitioners

Mr. Kaushik Kundu
Ms. Diksha Ghosh

..for the State

Learned counsel appearing on behalf of the petitioners submits that there is no material available against the present petitioner except for the statement of a co-accused.

Learned counsel for the State relies on the case diary and points to the statements of witnesses including an independent one as well as the call records details. Upon instructions, he submits that there is no other material available in the present petitioner except for the statement of the co-accused.

The statement of the independent witness is hearsay in nature.

In view of the fact that charge sheet has been submitted and the only material available in the petitioners is the statement of the co-accused, the petitioners have been able to rebut the restriction contained in Section 37 of the NDPS Act and the prayer for anticipatory bail to the petitioners is liable to be allowed.

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 conditions that the petitioners shall not threaten or intimidate witnesses and shall attend the jurisdictional Court on dates fixed. The petitioners shall surrender before the learned Special Court and pray for bail within four weeks from this date.

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

(Jay Sengupta, J.)