

25.07.2025
Court No.28
Item No.24
tbsr
Allowed

CRM (A) 1863 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Criminal Procedure Code, 1973 in connection with **NDPS** Case No.**07 of 2024** arising out of F. No. – SI(VII)-199/2024 (AIU) dated **16.09.2024** registered for investigation into offences punishable under Sections **20(b)(ii)(B)/23/29** of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

And

In the matter of: **Anwasha Patra**

....Petitioner.

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mridha
Mr. Shuvam Kanjilal
Ms. Sarnali Gupta
Mr. Yavik Singhal

....for the petitioner.

Mr. Uday Sankar Bhattacharya
Ms. Ekta Sinha
Ms. Banani Bhattacharya

...for the Union of India (Customs).

Learned counsel appearing on behalf of the petitioner submits as follows. A female model travelling from Bangkok to Kolkata was apprehended with non-commercial quantity of 'ganja' at the airport. She made a statement under Section 67 of the NDPS Act that the petitioner had instructed her to bring the said amount of 'ganja' to her. The present complaint was filed. Charges were framed. Thereafter, a notice was given to the present petitioner under Section 67 of the Act. However, the prosecution has proceeded with the trial and is examining witnesses. It appears 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 Customs Authorities opposes the prayer for anticipatory bail and submits that other than the statement of a co-accused, there are bank statements showing monetary transactions to the tune of a few thousand of rupees between the petitioner and the co-accused.

It is not denied by the petitioner that the petitioner and the said co-accused are both professional models and are well acquainted with each other. Therefore, bank transactions between them to the tune of few thousand rupees can hardly be taken as a clinching corroborative evidence regarding the offences alleged.

Considering the fact that the primary incriminating material available against the present petitioner is the statement of a co-accused, which is inadmissible in evidence and in view of the other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

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 condition that the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)