

13.08.2025
Court No.28
Item No. 40
tbsr
Allowed

CRM (A) 1858 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **NCB Crime No. 06/NCB/SLG/2024** dated **09.07.2024** under Sections **8(c)/21(c)/25 and 29** of the NDPS Act, 1985.

And

In the matter of: Masud Mia @ Masood Miyan @ Masood Miya

....Petitioner.

Md. Wasim Akram
Ms. Sabrina Parveen
...for the petitioner

Mr. Gouranga Kr. Das
Mr. Somnath Adhikary
....for the NCB

Learned counsel appearing on behalf of the petitioner submits that the only material available against the present petitioner is the statement of a co-accused, which is inadmissible in evidence.

Learned counsel appearing on behalf of the NCB submits that although the petitioner was named in another FIR as an accused, but in the charge sheet he was not named as an accused.

Considering the fact that only incriminating material against the present petitioner is the statement of a co-accused which is not admissible in evidence, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act and considering the other materials on record and the fact that charge sheet has been submitted, 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 attend the jurisdictional Court regularly and shall surrender before the jurisdictional Court and pray for bail within four weeks from this date and 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.)