

02/07/2025

D/L 25

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 1854 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with NDPS case no. 5/2025 arising out of Jibantala Police station case no. 37 of 2025 dated 16.1.2025 under sections 20(b)(ii)(c) /29 of the NDPS Act.

In the matter of: Motiar Sk @ Sultan

... Petitioner

Mr. Anand Keshari
Ms. Soumili Chowdhury
Ms. Pubali Debnath

...for the petitioner.

Mr. Madhusudan Sur
Mr. Aritra Bhattacharyya

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that no recovery was made from the present petitioner and he has been implicated in the NDPS case only on the basis of co-accused's statement, which is not admissible in evidence. Charge-sheet has been submitted.
2. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that the case diary does not contain any CDR analysis of phone call records or mention about any criminal antecedent of the petitioner. Apart from the statement of co-accused, there is statement of the son of the petitioner stating that the present petitioner used to bring home some contraband and used to sell it.

3. Considering the fact that materials available against the petitioner are mainly the statement of co-accused and charge-sheet has already been submitted, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act and I am inclined to grant anticipatory bail to the petitioner.
4. In the event of arrest, the petitioner 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 further conditions that the petitioner shall cooperate with the investigation and the petitioner shall not threaten or intimidate witnesses. The petitioner shall attend the jurisdictional Court regularly and shall surrender before the learned Trial Court within four weeks and pray for bail.
5. Accordingly, the application for anticipatory bail is allowed.

(Jay Sengupta, J.)