

03.07.2025
Court No.28
Item No.30
ssi

CRM (A) 1896 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with New Barrackpore PS Case No.**77 of 2025** dated **19.03.2025** under Sections **20/29** of the NDPS Act.

And

In the matter of: **Swapan Kumar Roy @ Swapan Roy @ Kalu.**

....Applicant/Petitioner.

Mr. Debasis Kar
Mr. Husen Mustafi
Ms. Suhana Parvin

...for the petitioner

Ms. Faria Hossain
Ms. Mausumi Sarkar

..for the State

Heard the learned counsels for the parties.

Perused the case diary.

Learned counsel appearing on behalf of the petitioner submits that the contraband seized from another co-accused was below commercial quantity. The only material available against the present petitioner is the statement of the co-accused which is not inadmissible in evidence.

Learned counsel appearing on behalf of the State opposes the prayer for bail. However, she submits that other than the co-accused, there is no other incriminating materials available in the case diary, so far as the petitioner is concerned.

In view of the fact that the only material available against the petitioner is the statement of a co-accused, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act.

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

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

(Jay Sengupta, J.)