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Court
No.29.
(Allowed)

19.08.2025
(D.Hira)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 766 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Lalgola** Police Station Case No.**1094/2024** dated **06.11.2024** under Sections **21(c)/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Anikul Hoque @ Manik @ Anikul Islam @ Md. Anikul Hoque.**

.....petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the petitioner.

Mr. Saryati Datta,
Ms. Chandreyi Datta.

....for the State.

Learned counsel appearing on behalf of the petitioner submits that no contraband was recovered from the possession of the present petitioner and the petitioner was arrested on the basis of co-accused statement and he is in custody for about nine months.

He further submits that though the charge-sheet was submitted on 2nd May, 2025 but the charge has not yet been framed. His further case is that the other co-accused whose name also transpired from the co-accused statement has already obtained anticipatory bail from this Court on 6th January, 2025

and the present petitioner is almost on the same footing with the co-accused and as such, he may be released on bail on any terms and conditions.

Learned advocate appearing for the State opposed the prayer for bail. However, in his usual fairness submits that the name of the petitioner transpired from co-accused statement and during investigation no contraband was recovered from his possession and he is almost on the same footing with that of co-accused, Kabir Sekh who has obtained anticipatory bail in CRM (A) 4685 of 2024.

Having heard learned counsel appearing on behalf of the petitioner and the State and that nothing was recovered from the possession of the present petitioner, the rigour of Article 37 of the NDPS Act may not attract in respect of the present petitioner, and as such his prayer for bail is allowed.

Accordingly, the petitioner namely, **Anikul Hoque @ Manik @ Anikul Islam @ Md. Anikul Hoque.** shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad, and also on condition that the accused person shall not misuse the liberty granted by the Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone to the local police station and shall not change it

without prior permission of the State and he shall not in any manner try to delay the trial. The petitioner shall not leave the geographic limit of district of Murshidabad without taking leave from State and shall report to the Investigating Officer, Lalgola Police Station once in a week or until further order. The State will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 766 of 2025 is disposed of.

Urgent certified copy of this order, duly applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)