

11.07.2025
Court No.28
Item No.16
tbsr
Allowed

CRM (A) 2163 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**1198 of 2024** dated **10.12.2024** under Sections **21(C)/27A/29** of the NDPS Act.

And

In the matter of: **Badsha Sk.**

....Petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
...for the petitioner.

Ms. Sreyashee Biswas
Mr. Pushpita Saha
.....for State

Copy of judgment filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is the statement of a co-accused which is inadmissible in evidence. He submits that there was an earlier case where he was charged but he has been acquitted in the same.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She submits that other than the co-accused statement there is no other material available against the petitioner. However, the petitioner has a criminal antecedent.

It appears that in the case cited on behalf of the State, the petitioner was acquitted.

Considering the fact that the only material available against the petitioner is the statement of a co-accused, which is inadmissible, he has been able to rebut the restriction contained in Section 37 of the NDPS Act. In view of the same and considering the materials available in the case diary, 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, shall attend the jurisdictional Court regularly and shall surrender before the jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)