

24/07/2025

D/L 53

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2322 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 Lalgola Police Station case no. 358 dated 3.5.2025 under sections 21(c)/29 of the NDPS Act.

In the matter of: Dost Mohammad

... Petitioner

Mr. Mayukh Mukherjee

Ms. S. Basak

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Dipankar Paramanick

...for the State.

1. Report filed by the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits that other than the statement of a co-accused, there is no other material available against the petitioner.
3. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that apart from the statement of a co-accused, there is no other material available in the case diary against the present petitioner. There is no money trail or call records or criminal antecedents that can be relied upon.
4. In view of the fact that there is no other material available against the present petitioner except for the statement of a co-accused which is inadmissible in evidence, the petitioner has been able to rebut the restrictions

contained in Section 37 of the NDPS Act and I am willing to grant anticipatory bail to the petitioner.

5. 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 meet the I.O once a week till submission of report in final form and shall appear before the jurisdictional Court and pray for bail within four weeks from date.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)