

11.08.2025
Court No.28
Item No.25
tbsr

CRM (A) 2327 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sagarpara** P.S. Case No.**475 of 2024** dated **01.12.2024** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Saharul Mondal & Ors.**

....Petitioners.

Ms. Shabana Hasin
....for the petitioners

Mr. Rudradipta Nandy
Mr. Debanshu Ghorai
.....for the State

Learned counsel appearing on behalf of the petitioners submits as follows. As the petitioner no. 1 had already been arrested in connection with the instant case, his application for anticipatory bail was earlier dismissed as having become infructuous.

Learned counsel appearing on behalf of the petitioners submits that like similarly circumstanced co-accused who were granted anticipatory bail, as against the petitioners, there is no other incriminating material available except for the statement of a co-accused.

Learned counsel appearing on behalf of the State denies the allegations and strongly opposes the prayer for anticipatory bail. He submits that due to inadvertence possibly it could not be submitted on behalf of the State earlier that even some of the other petitioners who were granted anticipatory bail were having telephonic conversations with the main accused. However, so far as the

present petitioner nos. 2 and 3 are concerned, there is no other incriminating material available against them except for the statement of co-accused.

Considering the fact that other than the statement of a co-accused there is hardly any other incriminating material available against the present petitioner nos. 2 and 3, they have 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 nos. 2 and 3.

In the event of arrest, the petitioner Nos. 2 and 3 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 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 nos. 2 and 3 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.)