

07/08/2025

D/L 29

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2464 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 NDPS case no. 133/2024 arising out of Lalgola Police station case no. 1209 of 2024 dated 12.12.24 under sections 21(c)/29 of the NDPS Act.

In the matter of: Fatikul Islam @ Fatik Sk.

... Petitioner

Mr. T. Gupta

...for the petitioner.

Ms. Joydeep Roy

Ms. Pushpita Saha

...for the State.

1. Learned counsel appearing for the petitioner submits that apart from the statement of a co-accused, there is no other incriminating material available against the petitioner. Such statement is not admissible in evidence.
2. Learned counsel appearing for the State files a report, which is taken on record and submits that there is no money trail, no criminal antecedent and no telephonic conversation details available.
3. Considering the materials available in the case diary and the fact that other than statement of a co-accused, there is no other incriminating material against the present petitioner, the petitioner has 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.

4. 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 shall not threaten or intimidate witnesses. The petitioner shall surrender before the jurisdictional Court and pray for bail within four weeks from date and attend the jurisdictional Court regularly.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)