

13/08/2025

D/L 53

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2463 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 the NDPS case no. 1/2025 arising out of Hogolberia police station case no. 321/2024 dated 25.12.2024 under sections 21(c)/29 of the NDPS Act.

In the matter of: Jahangir Malithya @ Jahangir
... Petitioner

Mr. T. Gupta
...for the petitioner.

Ms. Shreyashee Biswas
Mr. Nirupam Dhali
...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits that other than the statement of the co-accused, there is no other incriminating material available against the petitioner.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. However, he admits that there are no phone call records, conversation between the petitioner and the principal accused or any money trail or any criminal antecedent.
4. Considering the fact that the other than the statement of the co-accused, there is no other incriminating material available against the petitioner, the petitioner has been able to rebut the restrictions contained in Section 37 of

the NDPS Act and I am inclined 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 shall not threaten or intimidate witnesses. The petitioner shall surrender and pray for bail before the jurisdictional Court within four weeks from date and the petitioner shall regularly attend the jurisdictional Court.
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.)