

27.11.2025
Court No.28
Item No.22
tbsr
Allowed

CRM (A) 2579 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 /Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**07 of 2025** dated **05.01.2025** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: Kabir Ali @ Kobir Ali

....Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.
Mr. Sandipan Ganguly, Id. Sr. Adv.
Mrs. Benajir Hasna
Mr. Aliul Islam
...for the petitioner

Mrs. Rituparna De Ghosh
Ms. Manasi Roy
....for the State

Learned senior counsel appearing on behalf of the petitioner submits that apart from the statement of a co-accused, which is inadmissible in evidence, there is no other incriminating material available against the present petitioner. Charge sheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She files a report, which is taken on record. However, she submits that there is no money trail or phone call record implicating the petitioner. However, there are as many as six cases pending against the petitioner. All are under the NDPS Act.

At this stage, learned senior counsel appearing on behalf of the petitioner submits that four of these cases ended in acquittal of the

petitioner and in the two other cases that are pending, the petitioner is on anticipatory bail.

Considering the above and the fact that other than the statement of a co-accused there is hardly any other material available in the case diary against the present petitioner is concerned, he has been able to rebut the restriction contained in Section 37 of the NDPS Act and considering the materials available in the case diary and the fact that charge sheet has been submitted, 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 surrender before the learned jurisdictional Court within four weeks from this date and pray for bail and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)