

09/09/2025

D/L 71

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2792 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 Balurghat police station case no. 414 of 2025 dated 21.6.2025 under sections 21(c)/22(c)/23(c)/25/27(a)/29 of the NDPS Act.

In the matter of: **Gopesh Debnath @ Debnath Gopesh**
... Petitioner

Mr. Arup Sarkar
Mr. Sourav Mukherjee
Ms. Shibani Agarwal

...for the petitioner.

Mr. Arindam Sen
Mr. Santanu Roy

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing for the petitioner submits that apart from the statement of a co-accused, which is inadmissible in evidence, there are no other incriminating materials available against the present petitioner.
3. Learned counsel appearing for the State relies on the case diary and the report and opposes the prayer for anticipatory bail. However, he submits that there is no call record between the petitioner and the co-accused or any criminal antecedent of the petitioner. The only material available against the petitioner is the statement of a co-accused.
4. As the only material available against the present petitioner is the statement of a co-accused which is not

admissible in evidence, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act and considering the other materials on record, 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 meet the I.O once a week till submission of report in final form. The petitioner shall surrender before the learned Trial 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.)