

10/09/2025

D/L 36

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2826 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 Basirhat police station case no. 860 of 2024 dated 25.11.2024 under sections 22(c)/29 of the NDPS Act.

In the matter of: **Faraz Ali Gazi @ Faraz Gazi**

... Petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

...for the petitioner.

Ms. Subhasree Patel

Ms. Sudeshna Das

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. An abandoned backpack was recovered containing the alleged contraband. The BSF personnel constituting the raiding party suspected that the backpack belonged to the petitioner. There is no cogent material to connect with the petitioner with the alleged crime. The petitioner has been falsely implicated in this case.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that there are statements of the raiding party members belonging to the BSF that according to their enquiry, the petitioner is involved in this case. However, no other material is available to substantiate the same.

3. As there is no cogent material to connect the petitioner with the alleged contraband that was seized and there are mere statements of the raiding party members that according to their information, the petitioner might be involved, the petitioner has been able to rebut the restrictions 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.
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 not threaten or intimidate witnesses. The petitioner shall surrender before the jurisdictional Court and pray for bail within four weeks from date and regularly attend the jurisdictional Court.
5. Accordingly, the instant 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.)