

22.09.2025
SL.43
Ct.No.28
NB

CRM (A) 3061 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.167 of 2025 dated 05.02.2025 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Riajuddin Momin @ Riyaz ... petitioner

Mr. Wasim Akram,
Ms. Sabrina Parveen.
...for the petitioner.

Mr. Antarikhya Basu,
Ms. Afreen Begum.
...for the State.

Learned counsel appearing on behalf of the petitioner submits that there are no other incriminating materials available against the petitioner apart from the statement of a co-accused, which is not admissible in evidence.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that other than the statements of the co-accused, there are phone calls between the co-accused and the present petitioner. However, no phone calls were made between the person from whom contraband was seized and the present petitioner.

It appears that a similarly circumstanced co-accused namely, Habibuddin Momin was granted anticipatory bail by this Court on 01.09.2025 in CRM (A) 2687 of 2025.

In view of the above and considering the fact that the only material available against the petitioner is the statement of a co-accused, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act and considering the other materials available in the case diary and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that petitioner shall not threaten or intimidate witnesses or tamper with evidence and shall surrender before the learned jurisdictional Court and pray for bail within six weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail being **CRM (A) 3061 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)