

11.11.2025  
Court No.28  
Item No.24  
ssi

**CRM (A) 3069 of 2025**

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Sagarpara PS Case No.**148 of 2025** dated **12.02.2025** under Sections **21 (c ) /29** of the NDPS Act.

And

In the matter of: **Hannan Sk @ Hannan Sheikh & another.**

....Applicants/Petitioners.

Mr. Arnab Chatterjee  
Mr. Avik Ghosh  
Mr. Md. Sadqin

...for the petitioners

Md. Adil Badr  
Mr. Debanshu Ghorai

..for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits that the only incriminating materials available against the present petitioners are the statements of co-accused, which are inadmissible in evidence.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail, relies on the case diary and the report and submits that although there is no money trail or criminal antecedents so far as the present petitioners are concerned, as regards the petitioner no.1, there was a telephonic conversation immediately before the incident.

In view of the fact that as against the present petitioner no.2, there are no incriminating materials other than the statement of a co-accused, the petitioner no.2 has been able to rebut the restriction contained in Section 37 of the NDPS Act.

In view of the above and considering the material available against the present petitioners, the alleged roles ascribed to each of the present petitioners and the fact that charge sheet has been submitted, while I am inclined to grant anticipatory bail to the petitioner no.2, the application for anticipatory bail of the petitioner no.1 (Hannan Sk @ Hannan Sheikh) is rejected.

Accordingly, the application for anticipatory bail of the petitioner no.2 (Sariful Sk @ Shoriful Sk) is allowed.

In the event of arrest, the petitioner no.2 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 conditions that the petitioner no.2 shall not threaten or intimidate witnesses or tamper with evidence and he shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, disposed of.

**(Jay Sengupta, J.)**