

26.09.2025
Court No.28
Item No.25
tbsr
Allowed

CRM (A) 3116 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kaliachak** P.S. Case No.**1142 of 2025** dated **23.06.2025** under Sections **21(C)/25/27A/29** of the NDPS Act.

And

In the matter of: **Aklesur @ Ekles Ali**

....Petitioner.

Md. Wasim Akram
Ms. Sabrina Parveen
...for the petitioner.

Mr. Bibaswan Bhattacharya
Mr. Debarshi Brahma
.....for State

Leave is granted to amend the cause title and correct the name of the petitioner.

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

Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is 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. However, he submits that as per the report, the petitioner was not present at the spot. He has no criminal antecedent. There is no CDR or SDR analysis of call detail records implicating the petitioner and there is no money trail either.

In view of 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 restriction contained in Section 37 of the NDPS Act

and considering the other materials available, 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 cooperate with investigation, shall meet the I.O. once a fortnight till submission of report in final form, shall not threaten or intimidate witnesses and shall surrender before the jurisdictional Court and pray for bail within six weeks from this date.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)