

17.11.2025
SL.17
Ct.No.28
NB

CRM (A) 3287 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 Sagarpara P.S. Case No.148 of 2025 dated 12.02.2025 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 relating to NDPS Case No.23 of 2025.

And

In the matter of: Haider Ali @ Haider Seikh

... petitioner

Mr. Arnab Chattjerjee,
Mr. A. Ghosh,
Ms. Ankusha Ghosh.
...for the petitioner.

Mr. Subhamay Bhattacharyya,
Mr. Asraf Mandal.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. Other than the statement of a co-accused, which is inadmissible in evidence, there are no other incriminating materials available against the present petitioner. In an earlier case, the petitioner was falsely implicated. This ended in acquittal for the petitioner.

Learned counsel appearing on behalf of the State relies on the case diaries of the two cases and opposes the prayer for anticipatory bail. However, he submits that even in the other criminal case that was started after the initiation of the present criminal proceeding, as of now, the only material available there are statements of two co-accused.

It appears that in two earlier cases, the petitioner was acquitted. Another case was started after commencement of the present case. There also the only material available against the petitioner are the statements of the co-accused.

In view of the above, the petitioner has been able to rebut the restriction contained in 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 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 the petitioner shall not threaten or intimidate witnesses or tamper with evidence and shall surrender and pray for bail before the learned jurisdictional Court within four weeks from this date and shall attend the jurisdictional Court regularly.

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

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.)