

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

Sl. 13
03.12.2025
Court No.28
Sc

CRM (A) 3369 OF 2025

In Re :An Application For Anticipatory Bail filed on **15.9.2025** in connection with NDPS Case No.15 of 2024 arising out of NCB Crime **No.06/NCB/SLG/2024** dated **09.07.2024** under Sections 8(c)/21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Hasmat Miya @ Hasmat**

... Petitioner

Mr. Sabyasachi Banerjee
Mr. Arnab Saha
Mr. Abhimanyu Banerjee.

... For the Petitioner

Mr. Anirban Mitra

...For the NCB

Leave is granted to the petitioner to file supplementary affidavit. The same as filed in Court today, is taken on record. Copy of the same is handed over to the learned counsel for the NCB.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is absolutely innocent. He has been falsely implicated in this case. There are no other incriminating materials available against him except the statement of co-accused in terms of the charge-sheet. Similarly circumstanced co-accused has been granted anticipatory bail by this Court on 13.8.2025 in CRM (A) 1858 of 2025. Earlier, the minor brother of the petitioner was brutalized in the State Police custody. This prompted the State Police to go after the family of the petitioner. False cases were filed

against the petitioner. NCB authorities also went after the present petitioner due to some grudge against him. The petitioner was arrested in connection with another case when the application was pending.

Learned counsel appearing on behalf of the NCB strongly opposes the prayer for anticipatory bail of the petitioner. He submits that the petitioner is clearly standing on a separate footing with the one who has been granted anticipatory bail as would be evident from the order granting anticipatory bail. The said co-accused was granted anticipatory bail by this Court, although he was named in another FIR as an accused but in the charge sheet he was not named as an accused. However, in the present case there are three other criminal cases involving the NDPS Act against the present petitioner, in two of which charge sheets have been submitted against the present petitioner. The petitioner is the king pin in the locality who act as a supplier of contraband to all other operators.

It is indeed too farfetched to think of collusion between the State Police authority and the NCB in going after the present petitioner.

However, if the petitioner has any case in this regard, he shall be at liberty to vent his grievances before the appropriate forum.

However, considering the materials available in the case diary, the fact that the petitioner has three other criminal antecedents in three other cases in two of which he has been charge-sheeted, and the restrictions under Section 37 of the NDPS Act, I do not consider this is to be a fit case for granting anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the petitioners is rejected.

(Jay Sengupta, J.)