

02.12.2025
Court No.28
Item No.28
ssi

CRM (A) 3740 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Basirhat PS Case No.**904 of 2024** dated **14.12.2024** under Sections **21 (C)/29** of the NDPS Act.

And

In the matter of: **Bapi Das**

....Applicant/Petitioner.

Mr. Satadru Lahiri
Mr. Jyotirmoy Talukder
Mr. Poulam Dey

...for the petitioner

Mr. Joydeep Biswas
Mr. Abhinaba Mukherjee

..for the State

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

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been implicated on the basis of a statement of a co-accused which is inadmissible in evidence. Charge sheet has been submitted. A similarly circumstanced co-accused was granted anticipatory bail by this Court on 09.07.2025 in CRM (A) 2031 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that there was no money transaction that implicated the petitioner. Phone call records are not available. However, a raiding party member made a statement about the co-accused taking the petitioner's name.

Considering the fact that the prime material available against the petitioner is the statement of a co-accused which is inadmissible in evidence, this Court is of the view that the petitioner has been able to

rebut the restriction contained in Section 37 of the NDPS Act and considering the other materials available in the case diary, the fact that a co-accused has been granted anticipatory bail and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the application for anticipatory bail of the petitioner is allowed.

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 conditions that the petitioner shall not threaten or intimidate witnesses. The petitioner 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.)