

10.12.2025
Court No.28
Item No.19
tbsr
Allowed

CRM (A) 3800 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jiaganj** P.S. Case No.**438 of 2024** dated **11.11.2024** under Sections **21(c)/29** of the of the NDPS Act.

And

In the matter of: **Milon Sk.**

....Petitioner.

Ms. Riya Das

...for the petitioner.

Mr. Bitasok Banerjee

Ms. Suchismita Dutta

....for the State.

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

Learned counsel appearing on behalf of the petitioner submits that other than the statement of a co-accused there is no material available against the present petitioner.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. However, she submits that there is no phone call record or money trail or criminal antecedent to implicate the present petitioner. In fact, although the charge sheet mentions that a co-accused had taken the petitioner's name, from a perusal of the statement of the said co-accused, it does not appear that the petitioner's name was taken.

Considering the above, I am of the view that the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS

Act and in view of the other materials available in the case diary 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 not threaten or intimidate witnesses, shall surrender before the jurisdictional Court within four weeks from this date and pray for bail.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)