

12.12.2025
Court No.28
Item No.53
ssi

CRM (A) 3986 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Santipur Police Station Case No. **998 of 2025** dated **07.08.2025** under Sections **21 (C)/29** of the NDPS Act.

And

In the matter of: **Sushil Biswas @ Khapa**

....Applicant/Petitioner.

Mr. D. Chatterjee
Ms. S. Bhattacharyya

...for the petitioner

Mr. Subhamoy Bhattacharya
Mr. Sharequl Haque

..for the State

Learned counsel appearing on behalf of the petitioner submits that the only incriminating material available against the present petitioner is the statement of a co-accused.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the statements of witnesses including the co-accused and the seizures. However, so far as the present petitioner is concerned, who is the father of the principal accused, the only material is the statement of a co-accused.

In view of the above, 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, I do not think that custodial interrogation of the petitioner is required in this case and 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 co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.

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

(Jay Sengupta, J.)