

17.02.2025
Court No.01
rpan/ 33

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (A) 92 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Tufanganj Police Station Case No.954 of 2024 dated 22.12.2024 under Sections 21(b)/22(C)/25 of the Narcotic Drugs and Psychotropic Substances Act read with Sections 221/132/121(1)/118(2)/109(1) of the Bharatiya Nyaya Sanhita, 2023;

And

In Re: Ziarul Haque @ Jiyarul Haque Miya

- Petitioner.

Ms. Suman Sehanabis (Mondal),
Mr. Partha Pratim Saha,
Mr. Salok Sah,
Ms. Anwasha Chakraborty
...for the Petitioner.

Mr. Saikat Chatterjee,
Ms. Sukanya Adhikary
...for the State.

Ms. Sehanabis, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of the statement of witnesses and that, as such, the rigors of Section 37 of the NDPS Act are not attracted.

Mr. Chatterjee, the learned advocate appearing for the State submits that investigation is still continuing and as the matter involves recovery of contraband substance, the prayer for anticipatory bail needs to be rejected.

Prima facie, from the statement of the witnesses it appears that no specific overt act has been attributed to the petitioner. The omnibus allegations are that the petitioner and others had prevented the police authorities from conducting raid. The contraband substance was also allegedly recovered from the dwelling house of one Hamidul Haque. The ingredients of Sections 21(b)/22(C) of the NDPS Act are not attributable to the petitioner. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner may not be necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Ziarul Haque @ Jiyarul Haque Miya** 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with further conditions that he shall not leave the jurisdiction of Tufanganj (Coochbehar) Police Station until further orders and shall meet with the investigating officer once a week till completion of investigation.

It is further directed that the petitioner shall not intimidate/influence the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 92 of 2025, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)