

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 117 of 2025**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Gorubathan Police Station** Case No. **20 of 2024** dated **11.08.2024** under Sections **22(b)/29** of the NDPS Act.
- A n d -

In the matter of : Md. Manjar Alam

.... Petitioner.

Mr. Rajesh Kumar Sharma,
Mr. Bickey Sharma,

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Subhasish Misra,

... For the State.

1. The petitioner says that he has been falsely implicated. There was no recovery of contraband items from him. His implication is solely on the basis of statement made by a co-accused person. He is prepared to cooperate with the Investigating Officer. He prays for anticipatory bail.

2. Opposing the bail prayer, learned State Advocate shows me a statement of account held with the Indian Bank, Gunjaria Branch, District Uttar Dinajpur, in the name of the father of one Md. Sakil, who is the prime accused and on the basis of whose statement the present petitioner was implicated. The statement apparently shows payment of Rs. 35 thousand by the father of Md. Sakil to the petitioner. On the basis of this thread, the State opposes the prayer for anticipatory bail.

3. I see that the father of Md. Sakil is not an accused person. He may have transferred Rs. 35 thousand to the petitioner for very

many reasons. The material shown to me is insufficient for rejection of the petitioner's prayer for anticipatory bail.

4. I further see that the quantity of the contraband involved in this case is of intermediate quantity. Therefore, the bar under Section 37 of the NDPS Act, will not apply.

5. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, I am of the view that immediate custodial detention of the petitioner may not be necessary so long as he cooperates with the police in case there is further investigation.

6. Accordingly, in the event of arrest, the petitioner, namely **Md. Manjar Alam** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that the petitioner shall report to the Investigating Officer of the concerned Police Station once in a fortnight until further orders.

7. In case the petitioner fails to adhere to any of the conditions mentioned hereinabove or in Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

8. The application for anticipatory bail being CRM (A) 117 of 2025 is disposed of.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)