

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 141 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 **Kharibari Police Station** Case No. **167 of 2024** dated **10.06.2024** under Sections **21(c)/22(c)/29** of the NDPS Act.
- A n d -

In the matter of : Subhan Alam @ Aryan @ Shubhan Alam
.... Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,
... For the Petitioner.

Mr. Tapan Bhattacharjee,
Mr. Kollol Nag,
... For the State.

1. The petitioner says that there was no recovery of contraband item from him. He has been falsely implicated solely on the basis of statement made by a co-accused person. Charge sheet has been filed upon completion of investigation. He prays for anticipatory bail.

2. Opposing the prayer, learned State Advocate, in his usual fairness says that in fact, there was no recovery from this petitioner. The petitioner's name has been included in the charge sheet on the basis of the statement recorded under Section 161 of the Code made by a co-accused person.

3. To my query, as to whether or not there is any call details report or money trail linking this petitioner to the alleged contraband item, learned State Advocate says that there is no such material available.

4. In view of the aforesaid, I am of the view that the petitioner has been able to overcome the restrictions in Section 37 of the NDPS Act.

5. Hence, I am inclined to entertain the petitioner's prayer for anticipatory bail so long as he cooperates in further investigation, if any.

6. Accordingly, in the event of arrest, the petitioner, namely **Subhan Alam @ Aryan @ Shubhan 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) 141 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.)