

02.04.2025
Item no. 16.
Court No.1.
S.De
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 142 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari Police Station Case No.375 of 2024 Dated 04.12.2024 under Sections 21(b)/(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Biswajit Roy. Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das, for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Ms. Sukanya Adhikary, for the State.

1. The petitioner says that no narcotic was recovered from his possession. Two co-accused persons have been enlarged on bail. The petitioner prays for anticipatory bail.
2. Learned advocate for the State opposes the prayer for bail. However, in his usual fairness, he does not dispute that there was no recovery from this petitioner and he has been implicated on the basis of the statements made by co-accused persons.
3. I have considered the material-on-record. Since there was no recovery from the petitioner and co-accused persons have been enlarged on bail, I am of the view

that the petitioner has made out a case for grant of anticipatory bail.

4. Accordingly, in the event of arrest, the petitioner, namely, **Biswajit Roy** 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, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight till completion of investigation.
5. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/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.
6. The application for anticipatory bail, being CRM (A) 142 of 2025, stands disposed of.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)