

03.04.2025
Item no. 08.
Court No.1.
AB
(Allowed)

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

CRM (A) 145 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 Pundibari Police Station Case No.23 of 2025 Dated 08.01.2025 under Sections 20(b)(ii)(c)/25/28/29 of the NDPS Act

And

In the matter of : Nirmal Sharma @ Nirmal Shamma

.....Petitioner.

Mr. H. S. Poddar
Ms. Mousumi Das for the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Sourav Ganguly for the State.

1. The petitioner says that there was no recovery of narcotics from him. He has been implicated solely on the basis of statement made by a co-accused person. He is fully prepared to cooperate with the Investigating Officer. He prays for pre arrest bail.
2. Learned Advocate for the State, while opposing the prayer for anticipatory bail, in his usual fairness, admits that there was no recovery from this petitioner and his implication is based on statement made by a co-accused person.
3. In view of the aforesaid, I am of the opinion that the petitioner has been able to tide over the restrictions in

Section 37 of the NDPS Act and I am inclined to allow his prayer for anticipatory bail.

4. Accordingly, in the event of arrest, the petitioner, namely **NIRMAL SHARMA @ NIRMAL SHAMMA** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/-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) 145 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.)

