

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

CRM (A) 149 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 **Sitalkuchi Police Station** Case No. **407 of 2024** dated **28.08.2024** under Sections **20(b)(ii)(c)/21(c)** of the NDPS Act.

- A n d -

In the matter of : Mithun Mia @ Miya & Anr.

.... Petitioners.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

... For the Petitioners.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy,

... For the State.

1. The petitioners say that there was no recovery of narcotics from them. They have been implicated solely on the basis of statements made by a co-accused person from whom recovery was made. They are fully prepared to cooperate with further investigation, if any. They pray for anticipatory bail.

2. Learned State Advocate opposes the prayer for anticipatory bail. However, he admits that there was no recovery from these petitioners and they have been implicated solely on the basis of statement made by co-accused person.

3. To my query, as to whether or not there is any call details report or money trail linking these petitioners to the alleged offence, learned State Advocate fairly admits that no such material is available on record.

4. In view of the aforesaid, I am of the view that the petitioners have been able to tide over the restrictions in Section 37 of the NDPS Act.

5. On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence, I am of the view that immediate custodial detention of the petitioners is not necessary so long as they cooperate in further investigation, if any.

6. Accordingly, in the event of arrest, the petitioners, namely **Mithun Mia @ Miya and Rahul Mia @ Miya** shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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 petitioners shall report to the Investigating Officer of the concerned Police Station once in a fortnight until further orders.

7. In case the petitioners fail 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) 149 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.)