

22.
Court
No.1

02.04.2025

(Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 150 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Pundibari Police Station Case No. 615/2024** dated **10/08/2024** under Sections **21(c)/25/28/29** of NDPS Act, 1985. NDPS Case No. 50/2024.

And

In the matter of: - **Dulal Sarkar**

...petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas

...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. Investigation is complete. He prays for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, in his usual fairness, does not dispute that there was no recovery of narcotics from this petitioner and his implication is solely on the basis of statement made by a co-accused person.

3. I further see that investigation is complete and charge-sheet has been filed on February 5, 2025.
4. In view of the fact that there was no recovery from the petitioner and he has been implicated on the basis of statement made by a co-accused person before the Police, which is inadmissible in evidence, in my opinion, the petitioner has been able to overcome the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. I am inclined to allow the petitioner's prayer for anticipatory bail.
5. Accordingly, in the event of arrest, the petitioner, namely, **Dulal Sarkar**, 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 Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall meet the Investigating Officer of the case, once every fortnight until further orders .
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being CRM (A) 150 of 2025 is thus allowed and disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)