

52. 02.04.2025
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 214 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 **Dinhata Police Station Case No. 601/2024** dated **26/11/2024** under Sections **20(b)(ii)(C)/27A/29** of NDPS Act, 1985. NDPS Case No. 110/2024.

And

In the matter of: - **Atiyar Rahaman**

...petitioner.

Dr. Arjun Chowdhury
Ms. Riya Agarwal
Mr. Mantu Mondal

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Biswaroop Roy

...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. The accused person, who took the petitioner's name, has been granted bail by this Court by an order dated February 20, 2025, passed in CRM (NDPS) 67 of 2025. He will fully co-operate with the Investigating Officer if granted the privilege of anticipatory bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, says that this petitioner has criminal antecedents. He is involved in another NDPS case. Learned Counsel fairly admits that there was no recovery from this

petitioner as according to him, this petitioner fled from the spot where seizure was made.

3. I have considered the facts and circumstances of the case. The co-accused person, on the basis of whose statement the petitioner has been implicated, has been enlarged on bail by a Division Bench of this Court. There was admittedly no recovery from this petitioner. Hence, I am of the view that this petitioner has been able to overcome the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and I am inclined to allow the petitioner's prayer for anticipatory bail so long as he is prepared to co-operate with the Investigating Officer.
4. Accordingly, in the event of arrest, the petitioner, namely, **Atiyar Rahaman**, 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 .
5. 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.

6. The application for anticipatory bail being CRM (A) 214 of 2025 is thus allowed and disposed of.
7. 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.)