

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 217 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 **Tufanganj Police Station** Case No. **782 of 2024** dated **29.09.2024** under Sections **21(c)/29** of the NDPS Act.
- A n d -

In the matter of : Ahidul Hossain @ Aidul Hossain

.... Petitioner.

Mr. Sabir Ahmed,
Mr. Hillol Saha Poddar,
Ms. M. Das,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Kollol Nag,

... For the State.

1. Supplementary affidavit filed by the petitioner be kept with the records.
2. Leave is granted to learned Advocate on record for the petitioner to correct the spelling of the petitioner's name as mentioned in the cause title of this application.
3. The petitioner says that he has been falsely implicated. Just because he has a medical store, his name has surfaced in the FIR. There was no recovery from him. He has been implicated solely on the basis of the statement made by a co-accused person. He prays for anticipatory bail.
4. Learned State Advocate shows me the confessional statement of one Narayan De, who is a co-accused person, recorded under Section 161 of the Code of Criminal Procedure. He names the petitioner as owner of the medical store from where the concerned contraband items were collected. He further says that

apart from that there is no other material against the petitioner. Even the consignment numbers of the concerned bottles of XCOF-T syrup are not available.

5. I, therefore, see that the only material against this petitioner is the statement of a co-accused recorded before the police which may not be admissible in evidence.

6. In view of the aforesaid, I am of the view that the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act and I am inclined to allow this application.

7. Accordingly, in the event of arrest, the petitioner, namely **Ahidul Hossain @ Aidul Hossain**, 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/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that the petitioner shall report to the Investigation Officer within seven days. The petitioner shall report to the Investigating Officer once in a fortnight and as and when called for until further orders.

8. In case the petitioner fails 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.

9. The application for anticipatory bail being CRM (A) 217 of 2025 is disposed of.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)