

43. 04.04.2025
Court
No.1 (Papiya)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 240 of 2025

In Re: - An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kharibari Police Station Case No. 15 of 2025** dated **18/01/2025** under Sections **21(c)/22(c)/29** of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In the matter of: - **Md. Nizamul @ Nijamul**

...petitioner.

Mr. Hillol Saha Podder, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.

Mr. Biswarup Ray, Adv.

...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 State Counsel, while opposing the prayer for anticipatory bail, fairly admits that there was no recovery of contraband items from this petitioner. He has been implicated solely on the basis of the statement made by a co-accused person to the effect that he is the supplier of the concerned narcotic items.
3. To my query as to whether or not there are Call Details Reports or money trail linking this petitioner to the alleged crime,

learned State Advocate fairly states that no such material is available.

4. In the above facts and circumstances, I am of the opinion that the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act. I am inclined to **allow** his prayer for anticipatory bail, so long as he fully cooperates with the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioner, namely, **Md. Nizamul @ Nijamul**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), 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 the Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case once in a fortnight and as and when call for, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
6. The application for anticipatory bail being CRM (A) 240 of 2025 is thus **allowed** and disposed of.
7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)