

19. Court No.1 09.04.2025 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 243 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 **Sitai Police Station Case No. 190/2024** dated **21/09/2024** under Section **21C** of NDPS Act, 1985. NDPS Case No. 65/2024.

And

In the matter of: - **Ebrahim Haque**

...petitioner.

Mr. Sudip Guha

...for the petitioner.

Mr. Saikat Chatterjee

Mr. Chattu Roy

...for the State.

1. The petitioner renews his prayer for anticipatory bail. He says that his prayer was earlier rejected by a Division Bench on February 14, 2025, by an order passed in CRM (A) 84 of 2025, since investigation was in progress and charge-sheet was yet to be filed. However, charge-sheet has since been filed on March 12, 2025, upon completion of investigation.
2. The petitioner says that there was no recovery of narcotics from him. His name has come in solely on the basis of statements made by co-accused persons.
3. Learned State Advocate, while opposing the prayer for anticipatory bail, says that the petitioner's name features in the First Information Report (FIR). However, he fairly admits that

the implication of the petitioner is based on statements made by co-accused persons.

4. To my query as to whether or not there are Call-Details Report and/or money-trail linking this petitioner to the alleged offence, learned Counsel for the State fairly submits that no such material is available in the case diary.
5. In view of the aforesaid, I am of the opinion that the petitioner has been able to tide over the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Further, there is change of circumstances inasmuch as charge-sheet has been filed upon completion of investigation since the last rejection of the petitioner's prayer for anticipatory bail.
6. Hence, I am inclined to allow the petitioner's prayer for anticipatory bail.
7. Accordingly, in the event of arrest, the petitioner, namely, **Ebrahim Haque**, 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 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 report to the Investigating Officer of the case, once every fortnight,

until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.

8. In case the petitioner fails to adhere to any of the conditions stipulated above, 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) 243 of 2025 is accordingly disposed of.
10. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)