

08.04.2025

Item no. 21.

Court No.1.

S.De

(Allowed)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

CRM (A) 249 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari Police Station Case No.45 of 2025 Dated 23.02.2025 under Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In the matter of : Bishnu Roy. ...Petitioner.

Mr. Hillol Saha Podder, ...for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Ms. Sukanya Adhikary, ...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 the statement made by a co-accused person. Allegedly, intermediate quantity of Brown Sugar was seized from a co-accused person. That person has been enlarged on bail. The petitioner prays for anticipatory bail.
2. Learned State counsel, while opposing the prayer, does not dispute that there was no recovery from this petitioner and his implication is solely on the basis of the statement made by a co-accused person.
3. To my query, as to whether or not there is Call Details Report or money trail linking this petitioner to the

alleged offence, learned counsel for the State, in his usual fairness, admits that no such material is available.

4. In view of the aforesaid and since intermediate quantity of narcotics is involved, I am inclined to allow the petitioner's prayer for anticipatory bail.
5. Accordingly, in the event of arrest, the petitioner, namely, **Bishnu Roy** 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that the petitioner shall meet the Officer-in-Charge/Inspector-in-Charge of the Kharibari Police Station once in a fortnight and as and when called for until further orders. Within seven days from date, the petitioner shall go and meet the Officer-in-Charge/Inspector-in-Charge of the said police station.
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/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.

7. The application for anticipatory bail, being CRM (A) 249 of 2025, stands disposed of.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)