

27. Court No.1 08.04.2025 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
 IN THE CIRCUIT BENCH AT JALPAIGURI
 APPELLATE SIDE

CRM (A) 258 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 **Sitalkuchi Police Station Case No. 407/2024** dated **28/08/2024** under Sections **20(b)(ii)(c)/21(c)** of NDPS Act, 1985. NDPS Case No. 54/2024.

And

In the matter of: - **Sohel Mia @ Soyel Miya**

...petitioner.

Mr. Swarup Das

...for the petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Tapan Bhattacharjee

...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 the prime accused from whom recovery was made. Two other accused persons, who were also implicated solely on the basis of statement made by the prime accused and from whom there was no recovery, have been granted anticipatory bail by this Court by an order April 1, 2025, passed in CRM (A) 149 of 2025. He stands on the same footing as those two persons. He prays for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the two accused persons who were granted anticipatory bail on April 1, 2025.

3. Hence, on the ground of parity, I allow the petitioner's prayer for anticipatory bail.
4. Accordingly, in the event of arrest, the petitioner, namely, **Sohel Mia @ Soyel Miya**, 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 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.
5. 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.
6. The application for anticipatory bail being CRM (A) 258 of 2025 is accordingly disposed of.
7. 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.)