

28. 09.04.2025
Court
No.1 (Papiya)

Allowed

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

CRM (A) 267 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 **Kotwali Police Station Case No. 116 of 2025** dated **08/02/2025** under Sections **21(C)/25/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Debajyoti Mukherjee.**

...petitioner.

Mr. Aniruddha Biswas, Adv.
Ms. Kanak Mishra, Adv.
Mr. Monoj Saha, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.
Mr. Kallol Nag, Adv.

...for the State.

1. The petitioner says that there was no recovery of narcotics from him. He has been falsely implicated solely on the basis of statements made by co-accused persons. He will fully cooperate with the Investigating Officer. He prays for anticipatory bail.
2. Learned State Counsel, while opposing the prayer for bail, in his usual fairness does not dispute that there was no recovery from this petitioner and he has been implicated solely on the basis of statements of co-accused persons.
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

State Advocate fairly says that no such material is available in the case diary, in so far as the petitioner is concerned.

4. In view of the aforesaid, in my opinion, the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act. On an overall assessment of the facts and circumstances of the case I am inclined to **allow** his prayer for anticipatory bail.
5. Accordingly, in the event of arrest, the petitioner, namely, **Debajyoti Mukherjee**, 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/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 the concerned police station.
6. The application for anticipatory bail being CRM (A) 267 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.)