

29. 10.04.2025
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 281 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 **Tufanganj Police Station Case No. 783/2024** dated **29/09/2024** under Section **21(c)** of NDPS Act, 1985.

And

In the matter of: - **Ahidul Hossain @ Aidul Hossain**

...petitioner.

Mr. Sabir Ahmed (VC)
Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Kallol Nag

...for the State.

1. The petitioner says that there is absolutely no material on the basis of which any charge can be sustained against him under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Seizure of the alleged contraband item was from bamboo bushes of Aidul Hossain @ Bablu. He has no connection with such contraband item. He prays for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, shows me the material in the case diary. Apart from it mentioning that the place of seizure is close to the house of the petitioner, there is no other material in the case diary

including Call-Details Reports or money-trails which may link this petitioner to the alleged offence.

3. 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. Considering the facts and circumstances of the case, I am of the view that immediate custodial interrogation of the petitioner is not necessary so long as he fully co-operates with the Investigating Officer.
4. Accordingly, in the event of arrest, the petitioner, namely, **Ahidul Hossain @ Aidul Hossain**, 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 when the trial commences 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.
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) 281 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.)