

21.08.2025.
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Ct. 01
Allowed

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
Appellate Side**

CRM (A) 391 of 2025

In re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari Police Station Case No. 141 of 2025 dated 08.02.2025 under Sections 21 (C)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. pending before the Learned Additional Sessions Judge, 1st Court, Cooch Behar.

And

In the matter of : **Sanjay Kumar Yadav @ Sanjay Yadav**
... Petitioner

Dr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Ms. Sunayana Parveen,
Ms. Riya Agarwal,
Mr. Bappaditya Roy,
Mr. Mantu Mandal

..for the Petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

..for the State

The petitioner claims to be the owner of a godown. It is alleged that, during the process of unloading a vehicle at the petitioner's godown—which was found to be carrying approximately 20,000 bottles of cough syrup containing Codeine Phosphate—the police intercepted the said vehicle and arrested both the driver and the khalasi.

Learned counsel appearing for the petitioner submits that the petitioner has duly complied with the notice issued under Section 67 of the Narcotic Drugs and Psychotropic

Substances Act, 1985, and has extended full cooperation during the course of investigation. It is further submitted that the petitioner is in possession of a valid tenancy agreement executed with a logistics company in respect of the godown premises.

It is noted that this Court has already granted bail to the driver of the vehicle. Considering the petitioner's continued cooperation with the investigation pursuant to the notice under Section 67 of the NDPS Act, this Court is of the considered opinion that the petitioner is entitled to the benefit of anticipatory bail.

Accordingly, the application for anticipatory bail stands allowed.

In view of the foregoing, it is directed that in the event of arrest, the petitioner, namely Sanjay Kumar Yadav @ Sanjay Yadav, shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court (NDPS), Cooch Behar.

The grant of anticipatory bail shall be subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and shall further be subject to the condition that the petitioner

shall report to the Investigating Officer once in a fortnight until submission of the charge sheet.

In the event of any default in compliance with the aforesaid conditions, the jurisdictional court shall be at liberty to take appropriate steps to secure the petitioner's presence, including cancellation of the anticipatory bail granted herein, without further reference to this Court.

Accordingly, **CRM (A) 391 of 2025** stands allowed.

Let an urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on the usual undertakings.

(Kausik Chanda, J.)