

07.07.2025

Item No.24

Ct.No.02

rc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 416 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No. 200 of 2025 dated 20.04.2025.

And

In Re : **(1) Khairul Haque @ Khairul Ali**
 (2) Asadul Haque

... Petitioners

Mr. Sudip Guha

... for the Petitioners

Mr. Nilay Chakraborty

Mr. Bhaskar Das

... for the State

Heard learned counsels for the parties.

The petitioners' names have transpired from the statement of the co-accused. No recovery has been made from them. Though their names appear in the suo motu FIR lodged by the BSF authority, no independent evidence has been collected against them in course of investigation held so far.

In view of the above, this Court is inclined to hold that the petitioners are able to rebut the statutory restriction under Section 37 of the NDPS Act and are entitled to anticipatory bail.

Accordingly, in the event of arrest, the petitioners **(1) Khairul Haque @ Khairul Ali** and **(2) Asadul Haque** be released on bail on furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to provision under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

The petitioners shall appear before the Investigating Officer once a week until further orders.

The application for anticipatory bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)