

02.07.2025

Item No.11

Ct.No.02

rc.

Allowed

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

C.R.M. (A) 435 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. 506 of 2024 dated 19.09.2024 under Sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In Re : **Altap Hossain**

... Petitioner

Mr. Hillol Saha Poddar

Ms. Mousumi Das

... for the Petitioner

Mr. Aditi Shankar Chakraborty

Mr. Nilay Chakraborty

Mr. Bhaskar Das

... for the State

Heard learned counsels for the parties.

The name of the petitioner has transpired from the statement of the co-accused. Prima facie there is no independent implication against him. No recovery has been made from the petitioner.

In view of the same, this Court is inclined to hold that the petitioner has been able to rebut the presumption laid down under Section 37 of the Narcotic Drugs and

Psychotropic Substance Act, 1985 and is entitled to anticipatory bail.

Accordingly, in the event of arrest, the petitioner **Altap Hossain** be released on bail on furnishing bond of Rs.10,000/-(Rupees Ten Thousand only), 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 petitioner shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

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.)