

**In The High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

06.01.2025
S.Bag/ct. 1
sl no. 24

CRM (A) 532 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 438 of the Code of Criminal Procedure, 1973 in connection with NJP Police Station Case No. 1152/2023 dated 20.12.2023 Under Section 21(C)/22(C)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

And

In the matter of: MD.MEHRAJ@GUDDU

Mr. Prajnadeepta Roy, Adv.

Ms. Sohini Handa, Adv.

Mr. Naser Ali, Adv.

Mr. J. Bhattacharya, Adv.

..... for the petitioner

Mr. Nilay Chakraborty, Ld. APP

Mr. Sourav Ganguly, Adv.

..... for the State

The petitioner seeks bail in connection with a case registered under sections 21(C)/22(C)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

It is submitted on behalf of the petitioner that he has no direct involvement in this case and that both the co-accused are out on bail in terms of an order dated 25th July, 2024 passed by a Co-ordinate Bench. It is also submitted on behalf of the petitioner that the only incriminating evidence against the petitioner are the statements of co-accused which is inadmissible in law.

On behalf of the State, it is admitted that the petitioner was not found to be in possession of any of the contraband substance,

though a huge quantity of contraband substance amounting to approximately 19,900 bottles was found in the possession of the co-accused.

In view of the above and the fact that the only incriminating evidence are the statements of co-accused, we are inclined to grant bail to the petitioner.

Accordingly, in the event of arrest the petitioner, namely, Md.Mehraj@Guddu shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabanga and subject to condition that he shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit any similar offences in the future.

In the event, the petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

In view of the above, the application for bail being CRM(A) 532 of 2024 stands allowed.

(Ravi Krishan Kapur, J.)

(Uday Kumar, J.)