

08.07.2025

Item No.33

Ct.No.02

rc.

Allowed

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

C.R.M. (A) 472 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 Bhaktinagar Police Station Case No. 293 of 2025 dated 29.03.2025.

And

In Re : **Md. Rahat @ Rahav**

... Petitioner

Mr. Hillol Saha Poddar

... for the Petitioner

Mr. Nilay Chakraborty

Mr. Sourav Ganguly

... for the State

Heard learned counsels for the parties.

The arresting officer, in his statement recorded under Section 180 of the BNSS, has stated that the arrested person has named the petitioner but the statement of the arrested person Subodh Das does not disclose the petitioner's name. It is not clear as to from where the petitioner's name has transpired and has been connected to the present case. No recovery has also been made from the petitioner.

In view of the above, this Court is inclined to hold that the petitioner is able to rebut the statutory restriction under

Section 37 of the NDPS Act and is entitled to anticipatory bail.

Accordingly, in the event of arrest, the petitioner **Md. Rahat @ Rahav** 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.)