

02.09.2025  
Sl. no. 08  
Ct. No. 03  
KAUSHIK  
ALLOWED

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT  
AT JALPAIGURI**

**C.R.M. (A) 519 OF 2025**

In re : An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **NJP GRPS** Case No. **84** of **2024** dated **24.10.2024** under Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : ShibU Ghosh @ SibU Ghosh  
... petitioner

Mr. Sourav Sarkar  
.....for the Petitioner.

Mr. Abhijit Sarkar,  
Mr. Tapan Bhattacharjee  
.....for the State.

Learned counsel for the petitioner submits that his name has appeared in the statement of co-accused. Learned counsel further submits that no recovery has been effected from the accused.

Learned counsel for the State has opposed the pre-arrest bail on the ground that the name of the petitioner has appeared in the statement of principal accused from whose possession the contraband was recovered. Learned counsel also submits that there is a telephonic conversation between the present petitioner and the main accused. Learned counsel for the State has also submits that in view of the bar under Section 37 of the NDPS Act, the anticipatory bail may not be granted.

It is a settled proposition that mere telephonic conversation will not be sufficient to refuse the bail in absence of any evidence regarding financial dealing or concrete material regarding the conspiracy between the accused persons. In the present case, there is only telephonic conversation. There is only CDR which shows telephonic conversation between the petitioner and the main accused. In such circumstances, this Court considers that petitioner has been able to rebut the presumption lead under Section 37 of the NDPS Act.

In the event of arrest, the petitioners be admitted to anticipatory bail by furnishing personal bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer and also subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

The application for anticipatory bail is thus allowed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Dinesh Kumar Sharma, J.)**