

17.11.2025
Item no.3
Court No.3
ss
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (A) 539 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with Dinhata P.S. Case No.168 of 2025 dated 28.03.2025 corresponding under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

In the matter of : Rajib Sarkar

... Petitioner.

Mr. Hillol Saha Poddar

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Aniruddha Biswas

.....for the State.

1. Learned Advocate for the petitioner submits that there are no such incriminating materials against the petitioner. The allegation against the petitioner is transpiring only from the statement of the co-accused. Relying on the decision of a coordinate Bench of this Hon'ble Court in *CRR 32 of 2025 (Aasif Mohammad –versus- Union of India)* he submits that the statement of co-accused has no evidentiary value. He also places reliance on the decision in *CRM (A) 789 of 2024 (In re: Abdul Lipon Miah @ Ripan Miya)*. Further upon investigation, charge-sheet has already been submitted. He seeks for grant of anticipatory bail in favour of the petitioner.
2. Learned Advocate for the State, opposing such prayer, submits that the recovery is made from the house of the

petitioner and there are materials of involvement of the petitioner. He seeks for dismissal of the application.

3. Perused the case diary and the materials on record.
4. It is found from the seizure list that there is recovery of contraband substance from the father's house of the petitioner. There are no materials to suggest that the petitioner does not reside in the same house with his father. It appears that the father of the petitioner and his son, the petitioner herein, have procured *ganja* for clandestine disposal.
5. As regards the decisions in *Abdul Lipon Miah @ Ripan Miya (supra)* is concerned there is no such recovery of contraband item from the custody of the said petitioner. Hence, the facts are distinguishable.
6. In *Aasif Mohammad (supra)* the prayer was for quashing of proceeding on the ground that the statement of co-accused has no evidentiary value. The prayer made in the present proceeding is different from the cited decision. As such the stage is distinguishable.
7. In light of the above, I am not inclined to grant the prayer of the petitioner for anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.
8. The application being **CRM (A) 539 of 2025** stands dismissed.

(Bivas Pattanayak, J.)