

19.11.2025
Item no.11(DL)
Court No.3
srm
(Allowed)

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

C.R.M. (A) 686 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023/Section 438 of the Code of Criminal Procedure, 1973 in connection with Siliguri P.S. Case No.207 of 2023 dated 22.03.2023 under Sections 21(c)/22(c)/29 of NDPS Act corresponding to CR (NDPS) Case No.28 of 2023.

In the matter of : **Md. Samim Aktar**

... Petitioner.

Mr. Hillol Saha Podder

...for the Petitioner.

Mr. Abhijit Sarkar,
Dr. Arjun Chowdhury

.....for the State.

1. Learned Advocate for the petitioner submits that the petitioner has been implicated only on the basis of the statement of the co-accused. There is no such recovery from the possession of the petitioner. The accused who were arrested have already been enlarged on bail. He seeks for grant of anticipatory bail to the petitioner.
2. Learned Advocate for the State though concedes that the name of the petitioner has transpired from the statement of the co-accused, yet he opposes such prayer for anticipatory bail on the ground that the petitioner has failed to respond to the notice sent under Section 67 of the NDPS Act. He seeks for dismissal of the application for grant of anticipatory bail.

3. Perused the case diary and the materials on record.
4. In the instant case, there is recovery of 583 gms. of contraband substance (brown sugar) from the joint possession of two accused persons, who were apprehended on the date of incident. The name of the petitioner has been transpired from the statement of the co-accused. During the course of investigation, there is no such recovery from the possession of the petitioner. In view of the above, I am inclined to allow the prayer of the petitioner for anticipatory bail.
5. Accordingly, in the event of arrest the petitioner namely **Md. Sami Aktar** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall meet the Investigating Officer of the concerned police station once in a fortnight until further orders. The petitioner is directed to join investigation and cooperate with the Investigating Officer.
6. This application for anticipatory bail is, thus, allowed.
7. **CRM (A) 686 of 2025** stands disposed of.

(Bivas Pattanayak, J.)