

25/09/2025
D/L – 5
Court No.28
S. Kundu
Allowed

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
From Principal Bench

C.R.M.(A) 762 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Sitai Police Station case no. 194 of 2025 dated 22.8.2025 under Sections 21(c)/29 of the NDPS Act.

In the matter of: Jaher Miya

...Petitioner.

Mr. Prajnadeepta Roy
Mr. Sabir Ali
Mr. Jaimallya Bhattacharyya
Mr. Debojyoti Goswami

...for the petitioner.

Mr. Ujjal Luksom
Mr. Aniruddha Biswas

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that other than the statement of a co-accused, which is not admissible in evidence, there is no other incriminating material available against the present petitioner.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statement of a co-accused. However, he submits that other than the statement of the co-accused, there is no other material available against the petitioner.

3. Considering the fact that there is hardly any other material available against the petitioner except for the statement of the co-accused, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act and considering the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioner.
4. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall surrender and pray for bail before the jurisdictional Court within six weeks from date.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)