

25.11.2025
Item no.8(DL)
Court No.3
srm
(Allowed)

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

C.R.M. (A) 767 of 2025

In Re:- An application for anticipatory bail under Section 482 of the BNSS, 2023 in connection with Dinhata P.S. Case No.650 of 2024 dated 22.12.2024 under Section 20(b)(ii)(c) of the NDPS Act and corresponding to NDPS Case No.129 of 2024 pending before the learned Additional Sessions Judge, 1st Court (NDPS), Cooch Behar.

In the matter of : **Biswanath Debnath**
... Petitioner.

Mr. Sudip Guha,
Ms. Ankita Nag
...for the Petitioner.

Mr. Saikat Chatterjee,
Mr. Chattu Roy
...for the State.

1. Learned Advocate for the petitioner submits that the petitioner was not named in the FIR, but subsequently his name has transpired from the statement of the co-accused and charge sheet has been filed against him under Section 20(b)(ii)(c)/27A of the NDPS Act. There is no such recovery of alleged contraband substances (ganja) from the exclusive possession of the petitioner. The recovery of the alleged contraband substances have been made from the possession of the persons apprehended on the date of

incident. He seeks for grant of anticipatory bail in favour of the petitioner.

2. Learned Advocate for the State also submits that the name of this petitioner has transpired from the statement of the co-accused. However, considering the nature of offence, he seeks for dismissal of the application for grant of anticipatory bail.
3. Perused the case diary and the materials on record.
4. It is found from the seizure list that there is recovery of 24.755 kgs. of contraband substances (ganja) from the possession of two persons. During the course of investigation, there is no such recovery from the possession of the petitioner. The name of the petitioner has transpired from the statement of the co-accused. In view of the above, I am inclined to grant the prayer of the petitioner for anticipatory bail.
5. Accordingly, in the event of arrest the petitioner namely **Biswanath Debnath** 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 and shall attend the Court on the dates fixed for appearance and hearing. The petitioner shall join investigation and cooperate with the Investigating Officer.

6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code/ Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned trial Court shall be entitled to cancel the anticipatory bail without further reference to this Court.
7. This application for anticipatory bail is, thus, allowed.
8. **CRM (A) 767 of 2025** stands disposed of.

(Bivas Pattanayak, J.)