

25.11.2025  
Item no. 35 (DL)  
Court No.3  
AN  
(Allowed)

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

**C.R.M. (A) 799 of 2025**

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with **Sitai P.S. Case No. 135 of 2025 dated 17.06.2025** under Sections 21(c)/25/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 pending before the learned Special Court under NDPS Act, Coochbehar.

In the matter of : **Mahammad Miya @ Md. Miya**  
... Petitioner.

Mr. Mayank Roy  
...for the Petitioner.

Mr. Sourav Ganguly  
Mr. Kallol Nag  
...for the State.

1. Learned Advocate for the petitioner submits that the name of the petitioner has transpired from the statement of the co-accused. There is no recovery from the possession of the petitioner. He seeks for grant of anticipatory bail in favour of the petitioner.
2. Opposing such prayer for anticipatory bail, learned advocate for the State submits that huge quantity of bottles containing codeine phosphate has been recovered from the co-accused. However, he fairly submits that the name of this petitioner has transpired from the statement

of the co-accused. He seeks for dismissal of the anticipatory bail application of the petitioner.

3. Perused the case diary and the materials on record.
4. It is found that the name of the petitioner has transpired from the statement of the co-accused. There has been seizure of 12000 bottles of codeine phosphate from the house of one Latif Miya, the co-accused. There is no such recovery from the petitioner. Considering the above, I am inclined to grant anticipatory bail in favour of the petitioner.
5. Accordingly, in the event of arrest, the petitioner, namely **Mahammad Miya @ Md. Miya** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date fixed for appearance and hearing and shall meet the Investigating Officer of the case, once every fortnight until further orders. The petitioner shall join the 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 Court below 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) 799 of 2025** stands disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

**(Bivas Pattanayak, J.)**