

25.02.2026
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 394 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**669 of 2025** dated **15.07.2025** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Rakibur Ali @ Rakibur Rahaman @ Telhamu**
....Petitioner

Ms. Minoti Gomes
Mr. Jisan Iqbal Hossain
....for the petitioner

Mr. Iqbal Kabir
Ms. Diksha Ghosh
....for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that other than the statement of a co-accused, there is no incriminating material available against the petitioner. Similarly circumstanced co-accused was granted anticipatory bail by this Court on 16.02.2026 in CRM(A) 298 of 2026.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that there is hardly any other material available in the case dairy except for the statement of a co-accused and the consequent statements of the seizure list witnesses. The report shows that there is no criminal antecedent or CDR of SDR or money trail to implicate the present petitioner.

In view of the above, the petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act and considering the materials available in the case diary and the fact that similarly circumstanced co-accused was granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)