

30.03.2026
Court No.28
Item No.19
ssi

CRM (A) 395 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with English Bazar Police Station Case No.53 dated **10.01.2026** under Sections **21 (c)/27 (A)/29 of the NDPS Act, 1985.**

And

In the matter of: **Samrat Ghosh @ Subrata**

.... Petitioner

Mr. Kalidas Saha
Ms. Khushi Mollick
Mr. Pikesh Kr. Chauhan

...for the petitioner

Mr. Ranadeb Sengupta
Ms. Kanchan Roy

..for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. Other than the statement of a co-accused, which is not admissible in evidence, there is no incriminating material available against the present petitioner. The petitioner has been falsely implicated in this case. In fact, the petitioner was also falsely implicated in an earlier case, being English Bazar PS Case No. 722 of 2024 dated 06.06.2024 under the provision of the NDPS Act, although no recovery was made for him. In the said case, the Investigating Officer had allegedly demanded a bribe from the petitioner. This prompted the petitioner to make representations to different authorities, including the police authorities, by a letter dated 19.12.2025. Thereafter, the petitioner has been falsely implicated in the present case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that other than the statement of the co-accused, there is no money trail or phone call record to implicate the petitioner. However, there are two criminal antecedents, one under the provisions of the NDPS Act, being the said English Bazar PS Case No. 722 of 2024 dated 06.06.2024.

It appears that the petitioner had earlier made representations regarding false implication and demand for a bribe in respect of the earlier NDPS Act case in which he was implicated. In the said case also, there was no recovery from 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 other materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and 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 conditions that the petitioner shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O. once a week till submission of report in final form. The petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)