

11.03.2026
Court No.28
Item No.17
Avijit Mitra

CRM (A) 397 of 2026

In Re: - A petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NCB Crime No. 15/NCB/Kol/2024 dated 06.09.2024 under Sections 8(C) read with 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Tarak Saha**

.... Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Avik Ghatak,
Mr. S.K. Dasgupta,
Mr. Dilip Mukherjee

...for the petitioner

Mr. Anirban Mitra,
Mr. Priyankar Ganguly

....for the State

Learned senior advocate appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. His name transpired from the statement of a co-accused, Goutam Mondal, against whom the only material available, in turn, is the statement of a co-accused, who was arrested with the contraband. He was subsequently granted bail after remaining in custody for sometime. A chargesheet has already been filed.

Learned counsel appearing on behalf of the NCB strenuously opposes the prayer for anticipatory bail. However, he submits that the petitioner's name transpired from the statement of the said Goutam Mondal, who was arrested after appearing pursuant to a notice. There are phone call conversations between the petitioner and Goutam, but not with the accused who was arrested with the contraband.

Incidentally, the name of Goutam also transpired from the statement of another arrested co-accused.

In view of the above and the fact that the only material available against the petitioner is the phone call conversation between him and another co-accused, against whom the only material available is the statement of yet another co-accused, the petitioner is able to rebut the presumption under Section 37 of the Narcotic Drugs and Psychotropic Substances Act. Considering the materials available from the investigation, 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/- 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 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 surrender before the jurisdictional court within four weeks from this date and pray for bail and shall not threaten or intimidate the witnesses.

Accordingly, the application being CRM (A) 397 of 2026 is allowed.

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

(Jay Sengupta, J.)