

26.02.2026
Court No.28
Item No.12
tbsr
Allowed

CRM (A) 447 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**700 of 2025** dated **05.08.2025** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Esrafil Hoque @ Esrafil Hogue @ Esrafil Sk.**

....Petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

....for the petitioner

Mr. Koushik Kundu

Mr. Sandip Kundu

....for the State

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

Learned counsel appearing on behalf of the petitioner submits that there is no incriminating material available against the petitioner except for the statement of a co-accused. Similarly circumstanced co-accused was granted anticipatory bail by this Court on 18.02.2026 in CRM(A) 407 of 2026.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that there is no money trail or CDR record of phone calls to implicate the petitioner. However, the petitioner has criminal antecedent, although the same was not under the provisions of the NDPS Act.

At this stage, learned counsel appearing on behalf of the petitioner submits that in respect of the said case anticipatory bail was granted to the petitioner by the learned Sessions Court.

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, 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.)