

AD 26
March 30, 2026
Ct. 28
SG

Allowed

CRM(A) 473 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No.40 of 2026 dated 08.01.2026 under Sections 21(C)/27A/29 of the NDPS Act.

And

In the matter of: *Shaheb Miah @Jahir Miah @Saheb*
... petitioner

Mr. A.K. Bhowmick

... for the petitioner

Mr. Koushik Kundu
Mr. Soukteya Ganguly

... for the State

Report filed by the State is taken on record.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Other than the statement of a co-accused, there is no other incriminating material available against the petitioner. A similarly circumstanced co-accused was granted anticipatory bail by this Court on 05.03.2026 in CRM(A) 486 of 2026.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that, as per the report, there is no money trail or phone call conversation with the principal accused or criminal antecedent to implicate the present petitioner.

In view of the fact that there is no other incriminating material available against the petitioner except the statement of a co-accused, the petitioner has been able to rebut the

restrictions contained in Section 37 of the NDPS Act and considering the materials available in the case diary and the fact that a similarly circumstanced co-accused was granted anticipatory bail, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form, shall surrender before the jurisdictional court within four weeks from this date and pray for bail and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)