

21.04.2026
Sl. No.54
Ct. 28
NB

C.R.M (A) 739 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar PS Case No.1052/2025 dated 15.08.2025 under Sections 21(c)/27A/29 of the NDPS Act.

And

In the matter of: Kinkar Sarkar @ Maju

... petitioner

Mr. Sourav Chatterjee,
Mr. Mayukh Majumder.
...for the petitioner.

Mr. Ansarikhya Basu,
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 other incriminating material available against the present petitioner. It is doubtful, whether Section 37 of the NDPS could have been applied in this case. The petitioner's name has been transpired only from the statements of the co-accused, who have already been granted bail by this Court. Charge sheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that there is no criminal antecedent or money trail or phone call record for the particular day that can 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 other materials available in the case diary and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and the shall regularly attend the jurisdictional Court.

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

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)