

21/04/2026
D/L – 61
Court No.28
S. Kundu
Allowed

C.R.M.(A) 790 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Lalgola P.S case no. 755 of 2025 dated 28/08/2025 under Sections 21(c)/29 of the NDPS Act.

In the matter of: Eliyash Biswas @ Md. Eleyas Ali & Anr.

...Petitioners.

Mr. Arnab Chatterjee
Mr. Avik Ghosh
Ms. Debolina Roy

...for the petitioners.

Mr. Sanjoy Bardhan
Mr. Subhojit Chowdhury

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioners submits that other than the statement of a co-accused, there are no incriminating materials available against the petitioners.
3. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that there are no call detail records or money trail to implicate the present petitioners. As against the petitioner no. 1, there are two criminal antecedents under the provisions of the NDPS Act, in one of which the petitioner was acquitted and in the other he was granted anticipatory bail. As against the other petitioner, there was another case under the NDPS Act which also resulted in acquittal.

4. In view of the above, the petitioners have been able to rebut the restriction contained in Section 37 of the NDPS Act and considering the materials available in the case diary and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the petitioners.
5. In the event of arrest, the petitioners 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 further conditions that the petitioners shall not threaten or intimidate the witnesses. The petitioners shall surrender before the jurisdictional Court and pray for bail within four weeks from date and regularly attend the jurisdictional Court.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)