

05.05.2026
Court No.28
Item No.118
tbsr
Allowed

CRM (A) 885 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 in connection with **Kaliachak** P.S. Case No. **1142 of 2025** dated **23.06.2025** under Sections **21(c)/25/27A/29** of the NDPS Act.

And

In the matter of: **Jaherul Alom @ Jaherul Alam**

....Petitioner.

Mr. A. Banerjee

Mr. S. Mistry

...for the petitioner.

Mr. Md. Adil Badr, Id. Jr. Govt. Adv.

Mr. Arup Sarkar

.....for State

Memo of evidence filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is the statement of a co-accused, which is not admissible in evidence. A similarly circumstanced co-accused was granted anticipatory bail by this Court on 26.09.2025 in CRM(A) 3116 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that as per the report, the petitioner was not present at the spot and there is no criminal antecedent or phone call record or money trail to implicate the present petitioner.

In view of the fact that the only material available against the petitioner is the statement of a co-accused, 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, 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 within four weeks from this date and pray for bail and shall regularly attend the jurisdictional Court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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.)