

28.04.2026
Court No.28
Item No. 9
tbsr
Allowed

CRM (A) 1154 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mothabari** P.S. Case No. **154 of 2026** dated **28.02.2026** under Sections **21(c)/27A/29** of the NDPS Act, 1985.

And

In the matter of: **Rajiul Sekh @ Rajikul**

....Petitioner.

Mr. Kalidas Saha
Ms. Kushi Mollick
Mr. Pikesh Kumar Chauhan
...for the petitioner.

Ms. Rituparna Ghosh
Mr. Asif Dewan
....for the State.

Report 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. He relies on a copy of an order dated 04.04.2025 passed by this Court in CRM(A) 1079 of 2025 by which he got anticipatory bail in respect of Pukhuria P.S. case No. 485 of 2024, as there was no other material present in the case diary except for the statement of a co-accused.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of an independent eye-witness that two other persons had fled away from the spot. However, he submits that there are no money trail or phone conversations to implicate the present petitioner. So far as the criminal antecedent is concerned, the petitioner was granted

anticipatory bail in connection with the said case being Pukhuria P.S. case No. 485 of 2024.

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, 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 cooperate with investigation, shall meet the I.O. once a week till submission of report in final form, 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.)