16.11.2026
Court No.35.
D/L.91.
Rakib
(Allowed)

CRM (A) 3869 of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mothabari Police Station 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 : Sujit Ghosh & Anr.

.....Petitioners.

Mr. Sagar Saha
Mr. Manjeet Saha
Mr. Subhrojyoti Das
.....for the Petitioners.

Mr. Amol Kr. Dutta
Mr. Neel Chakraborty
.....for the State.

Learned advocate appearing for the petitioners at the first instance submit that as the petitioner no.2 has been arrested, her prayer for anticipatory bail be not pressed.

Accordingly, the prayer for anticipatory bail of the petitioner no.2 namely, Dipti Barman is dismissed as not pressed.

Learned advocate appearing for the petitioners submit that however, petitioner no.1 has been implicated on the basis of statement of co-accused and there has been no recovery from him, although, the recovery in the present case is 4.649 kgs of Opium.

Learned advocate appearing for the State opposes the prayer for anticipatory bail but only refers to a statement of co-accused. So far as the memo of evidence is concerned, State has submitted that the petitioner was earlier involved in a case of counterfeit currency.

I find from the record that the same case was registered in the year 2016. So far as the present case is concerned, except the statement of co-accused no other material at this stage is against the present petitioner no.1. Accordingly, prayer for anticipatory bail of the petitioner no.1 namely, **Sujit Ghosh** is **allowed.**

As such, in the event of arrest, the petitioner no.1 shall be released on bail to the satisfaction of the Arresting Officer on such terms and conditions as he deems fit and proper 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

As charge-sheet has already been submitted, petitioner no.1 shall surrender before the jurisdictional Court within a period of two weeks from date. Learned jurisdictional Court would release the petitioner no1 on bail on such terms and conditions as he deems fit and proper.

With the aforesaid observations, CRM (A) 3869 of 2026 is **allowed.**

Memo of evidence submitted by the State be kept with the record.

The observations made above are only restricted for adjudication of the anticipatory bail application and should not be considered a final opinion on the merits of the case.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)