

AD 77
January 21, 2026
Ct. 28
SG

Allowed

CRM(A) 4354 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak P.S. Case No. of 206 of 2025 dated 12.02.2025 under Sections 21(C)/25/27A/29/30 of the NDPS Act.

And

In the matter of:

Rahul Sk @ Rahul Mistry

... petitioner

Mr. Arup Kumar Bhowmick

... for the petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Anindya Sundar Chatterjee

... for the State

Learned counsel for the petitioner submits that there is no incriminating material available against the present petitioner other than the statement of a co-accused, which is not admissible in evidence. From the house of the said accused the contraband was seized and he was arrested. Charge-sheet has been submitted. A co-accused standing on similar footing as the present petitioner, was granted anticipatory bail on 01.12.2025 in CRM(A) 3587 of 2025.

Learned counsel for the State opposes the prayer for anticipatory bail and files a report, which is taken on record. He submits that other than the statement of a co-accused, there is no other incriminating material available in the case diary against the present petitioner. There is a statement of a seizure witness taking the petitioner's name, but that was made at the time of seizure. As per the reports, there is no

criminal antecedent of the petitioner and no money trail could be established to implicate the petitioner. Charge-sheet has been submitted.

In view of the above, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act and considering the other materials available in the case diary and the fact that a similarly circumstanced co-accused was granted bail by this Court and a charge-sheet has been submitted, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall surrender before the jurisdictional court within four weeks from this date and pray for bail, attend the jurisdictional court regularly and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)

