

17.02.2026
Sl. No.19
Ct. 28
NB

C.R.M (A) 3 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak PS Case No.904/2025 dated 28.05.2025 under Sections 21(c)/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Abu Kalam Sk ... petitioner

Mr. Mazhar Hossain Chowdhury.
...for the petitioner.

Mr. Antarikhya Basu,
Mr. Debadrita Mondal.
...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that other than the statement of a co-accused, there is no other incriminating material available against the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that there are no phone call records or money trail or criminal antecedent that would implicate the present petitioner and there is no incriminating material available against the present petitioner other than the statement of a co-accused. However, during pendency of the application for anticipatory bail, prayer was made for issuance of proclamation.

During pendency of an application for anticipatory bail before this Court, praying for issuance of proclamation before the jurisdictional Court is quite irregular.

In any event, issuance of proclamation is not an absolute bar in moving an application for anticipatory bail.

In view of the fact that there are no incriminating materials available against the petitioner except for the statements of a co-accused, the petitioner has been able to rebut the restrictions contained in Section 37 of the NDPS Act, and considering the materials available in the case diary and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail is, thus, disposed of.

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.)