

16.01.2026
Item no. 05.
Court No.3.
Rakib
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 26 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitai Police Station Case No. 272 of 2025 dated 26.11.2025 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of : Obaidul Islam & Anr.

.....Petitioners.

Mr. Hillol Saha Podder

.....for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. PP-In-Charge

Mr. Nilay Chakraborty, Ld. APP

Mr. Bhaskar Das

.....for the State.

Learned advocate appearing for the petitioners submits that petitioners have been implicated in connection with the instant case on the basis of the statement of the co-accused.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that the offence was committed in the sensitive border areas and the investigation of the case is still in progress.

I have considered the initial complaint of the Commander of BSF which reflects that one person was found at the spot who was throwing a sack containing cough syrup. Subsequently, another nine sacks were recovered and more than 362 bottles of

such cough syrup were recovered, in course of the investigation the name of the present petitioners transpired from the co-accused.

Having considered that there has been no further recovery from the possession of the present petitioners and the investigation of the case is still in progress, I am of the view that custodial detention of the present petitioners are unwarranted. As such the prayer for anticipatory bail of the petitioners is **allowed**.

Accordingly, I direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of Rs. 10,000/- (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Accordingly, CRM (A) 26 of 2026 is **allowed**.

As the investigation of the case is in progress, petitioner shall meet with the investigating officer of the case once in a week till the charge-sheet is submitted before the jurisdictional Special Court.

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.)