

13.02.2026

Item No.18

Ct.No.05

b.das

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 59 of 2026

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj Police Station Case No. 357 of 2025 dated 20.06.2025 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : **Rasidul Hoque**

... Petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

... for the Petitioner

Mr. A.S. Chakraborty

Mr. Aniruddha Biswas

... for the State

Heard learned counsels for the parties.

The petitioner submits that though the FIR says that narcotic substance was recovered from the house of the petitioner, there is no document to substantiate that the house belongs to the petitioner. The place of seizure as stated in the FIR also does not indicate the petitioner's house.

Learned counsel for the State opposes the prayer and submits that charge sheet has been submitted and there is no document to substantiate the title or possession of the petitioner in respect of the house in question.

I have considered the material on record.

Though it is stated in the FIR that narcotic substance was seized from the house of the petitioner, there is

admittedly no document to substantiate the title and possession of the petitioner in respect of the said house. The place of seizure stated in the FIR also does not refer to the said house.

In view of the above, this Court is inclined to hold that the petitioner has been able to rebut the statutory restriction under Section 37 of the NDPS Act and is entitled to anticipatory bail.

Accordingly, in the event of arrest, the petitioner Rasidul Hoque be released on bail on furnishing bond of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer subject to conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner shall appear before the jurisdictional Court and pray for regular bail within two weeks from date.

The application being CRM (A) 59 of 2026 is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)