

19.02.2026
Item No.23
Ct.No.06
b.das
Allowed

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

C.R.M. (A) 80 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 Matigara PS Case No.642 of 2024 dated 16.10.2024 under Sections 21(c)/22(c)/25/29 of the NDPS Act.

And

In Re : **Dipti Barman @ Diya**

... Petitioner

Mr. Sourav Ganguly

Mr. Naser Ali

Mr. Gopal Roy

Ms. Rishita Chakraborty ... for the Petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das ... for the State

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that no recovery has been made from the petitioner. She is not named in the FIR and has been arraigned as co accused in the charge sheet. The co accused who are named in the FIR and from whom narcotic substance has been recovered have been granted bail by this Court. The scooty in which the co accused, one of whom is the brother of the petitioner, was travelling belongs to the petitioner. Save and except such fact, the petitioner has no nexus with the alleged offence.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

The FIR named co accused from whom narcotic substance has been recovered has been granted bail by this Court. No recovery has been made from the petitioner or her scooty. It appears that the scooty in which co accused were travelling belongs to the petitioner. Besides such fact there is no other prima facie material connecting the petitioner to the recovery.

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 Dipti Barman @ Diya 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 and subject to provision 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) 80 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.)