

21.04.2026
Item no.02.
Court No.05.
KAUSHIK

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

CRM (A)95of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Boxirhat Police Station Case No. 123 of 2025 dated 23.03.2025 under Sections 21(C)/22(C)/25/29 of the NDPS Act.

And

In the matter of :Amur Hossain.

.....Petitioner.

Mr. Sudip Guha
Ms. Sayantani Das
.....for the Petitioner.

Mr. Nilay Chakraborty, learned APP
Mr. Aniruddha Biswas
.....for the State.

This is an application presented under Section 482 of the BNSS, 2023, seeking pre-arrest bail in connection with Boxirhat Police Station Case No. 123 of 2025 dated 23.03.2025, under Sections 21(C)/22(C)/25 and 29 of the NDPS Act.

Mr. Guha, learned advocate appearing for the petitioner, submits that the petitioner is the owner of the vehicle, which is used for commercial purposes. He further submits that the vehicle was sent to Silchar, Assam, to deliver certain consignments through three persons, including the driver. At the time of return, some contraband articles were seized. He submits that the owner cannot be fastened with any liability, and the petitioner cannot be compelled to languish in jail custody. He

further submits that the charge-sheet has been submitted, and in view of such circumstances, he prays for anticipatory bail.

In response, Mr. Chakraborty, learned APP, produced the case diary and vehemently opposed the petitioner's prayer on the basis of the materials available therein. He submits that, in compliance with the order dated 25th March, 2026, a report has been filed, from which it would be evident that contraband articles were seized from a hidden chamber beneath the driver's seat. He further submits that such a hidden chamber could not have been arranged without the knowledge of the owner concerned.

Heard the learned advocates appearing for the respective parties and perused the materials on record including the case diary.

Admittedly, the nature of the allegation is serious. 2.70 kgs of YABA tablets have been recovered from the vehicle of the present petitioner, and a hidden chamber was found beneath the driver's seat. The submission of the prosecution that such a hidden chamber could not have been arranged without the knowledge of the driver concerned cannot be completely disregarded.

In view of the above, I am of the opinion that the mere submission of the charge-sheet does not, by itself, justify grant of pre-arrest bail, especially when, in like case, there remains scope for filing a supplementary charge-sheet; hence, such relief is not warranted in favour of the petitioner.

In view of the above, the prayer for anticipatory bail cannot be entertained at this stage.

Accordingly, the application being CRM (A) 95 of 2026 seeking the petitioner's pre-arrest bail is **dismissed**.

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.

(Partha Sarathi Chatterjee, J.)