

February 19, 2026

49 ARDR.
Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (A) 128 of 2026**

In Re : An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sitalkuchi** Police Station Case No. **532** of **2024** dated **11/11/2024** under Sections **20(b)(ii)(c)** of the NDPS Act.

And

In Re : **Mohan Sarkar**

... Petitioner.

Adv. Hillol Saha Poddar,
Adv. Mousumi Das,

...for the petitioner.

Adv. Dr. Arjun Chowdhury,

... for the State

Learned counsel for the petitioner submits that though the FIR states that narcotic substance of commercial quantity was recovered from the house of the petitioner, the house in question does not belong to the petitioner. He has no nexus with the alleged offence.

Learned counsel for the State opposes the prayer.

It is alleged that the house from which narcotic substance above commercial quantity was seized belongs to the petitioner. The petitioner or other inmates of the house were not found at the time of search and seizure. Though charge sheet has been submitted, no document has been collected by the Investigating officer to substantiate the title and possession of the petitioner in respect of the said house.

Upon considering the material on record, this Court is of the view 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, this Court directs that in the event of arrest, the petitioner namely Mohan Sarkar 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 surrender before the jurisdictional Court and pray for regular bail within two weeks from date.

CRM (A) 128 of 2026 is, thus, 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.)