

AD 15
March 24, 2026
Ct. 6
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

CRM(A) 138 of 2026

Allowed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitalkuchi P.S. Case No.471 of 2025 dated 21.09.2025 under Sections 21(c)/20(b)(ii)(B)/25/29 of the NDPS Act.

And

In the matter of: *Abdul Kayum Mia @ Abdul Kaiyam Miah*
@ Kayum and anr

... *petitioners*

Mr. A. Saha
Md. S. Akhtar

... for the petitioners

Mr. N. Chakraborty
Mr. S.S. Sikdar

... for the State

Report filed by the State is taken on record.

A document available from the website e-court services filed in this regard is also taken on record.

Learned counsel for the petitioners submits that no incriminating material is available against the petitioners except the statement of a co-accused, which is inadmissible in evidence. In Sitalkuchi P.S. Case No.49 dated 14.03.2022 which was under added Section 302 of the Penal Code, the petitioners have already been acquitted. The petitioners have been falsely implicated in this case on the basis of statement of a co-accused as would be evident from the two NDPS Act cases of similar nature which were started by the same police station on the same day i.e., on 21.09.2025.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that other than the statement of a co-accused, there are no money trail or phone call records to implicate the petitioners. However, there are two cases started against the petitioners under the provisions of the NDPS Act on the same day.

Upon query, learned counsel for the State submits that in both the cases, the only material available against the petitioners is the statement of a co-accused.

In view of the above, the petitioners have been able to rebut the restrictions contained in Section 37 of the NDPS Act and considering the other materials available in the case diary, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioners shall cooperate with the investigation, shall meet the investigating officer once a week till submission of report in final form, shall surrender before the jurisdictional court within four weeks

from this date and pray for bail and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)