

AD 31
March 18, 2026
Ct. 6
SG

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

CRM(A) 160 of 2026

Allowed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitai P.S. Case No.35 of 2025 dated 15.02.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of: *Rajkumar Shakhari @ Sarkar*

... petitioner

Mr. Jaydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Mr. Subham Kumar

Ms. Jasmin Haque

Ms. Priti Das

... for the petitioner

Mr. A.S. Chakraborty

Mr. Aniruddha Biswas

... for the State

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He is neither the owner nor the mortgagee of the property in question. The seizure was allegedly made from a vacant land, which does not belong to the petitioner.

Learned counsel for the State strongly opposes the prayer for anticipatory bail, refers to the certified copy of the case diary, points to the seizure list and statements of witnesses and submits that the suo motu FIR mentioned that the petitioner had taken mortgage of the property in question from where contraband was found. However, there is no document or no statement of any witness to support such claim.

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

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 petitioner 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.)