

18.05.2026
SL No.10
Court No.5
S.Gayen

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

C.R.M.(A) 212 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitai Police Station Case No. 189 of 2025 dated 13.08.2025 under Sections 21(C)/29 of the NDPS Act corresponding to NDPS Case No. 30 of 2026 pending before the learned District and Sessions Judge, Cooch Behar.

-And-

In the matter of: **Anarul Miya**

...Petitioner

Mr. Sudip Guha
Ms. Syantiani Das

...for the Petitioner

Mr. Nilay Chakraborty, Id. APP (in-charge)

...for the State

1. This instant application has been filed with a prayer for anticipatory bail.
2. Learned counsel for the petitioner submits that the police has registered the case on August 8, 2025 by incorporating the name of the petitioner only on the basis of the statement made by the co-accused. He further submits that nothing has been seized from the petitioner and there is no connection of this petitioner with the main accused person. He submits that by an order dated March 24, 2026 this Court has called for the report from the Investigating Agency to ascertain with regard to the criminal antecedent, money trail and phone call conversation between the petitioner and the principal co-accused. He further submits that even the Investigating Officer has not provided any information that the petitioner is having any conversation between the

principal co-accused or any money transaction has been made between the petitioner and the co-accused or any conversation has been made between the petitioner and the principal co-accused. He has relied upon an unreported order passed by the Coordinate Bench of this Court in CRM(A) 129 of 2026 (*Sushanta Barman vs. State of West Bengal*) dated April 27, 2026 wherein the Coordinate Bench of this Court in the similar circumstances of the case has granted bail by holding that only because of the name provided by co-accused the petitioner cannot be entangled in the matter.

3. Learned APP-in-Charge submitted the report and the case diary and submits that as the accused is absconding and the phone could not be seized. Due to which, the phone conversation cannot be traced out. He further submits that the main accused was arrested from whom the alleged narcotics have been seized and he is not having any bank account. The Investigating Officer could not be able to trace to the bank transaction between the petitioner and the co-accused. Learned counsel for the State further submits that the petitioner is named accused in FIR and is fled away from the spot and only one accused person was arrested. He submits that there is an involvement of the petitioner in the instant crime.
4. Heard the learned counsel for the respective parties and perused the materials on record and the case diary. This Court finds that the case has been registered by the police on August 13, 2025. As per the case, the two persons have been escaped by taking

advantage of the bad weather and only one person has been apprehended and from the apprehended person, the narcotics have been seized. It is further reveals from the FIR that the name of the petitioner has been disclosed by the co-accused. It is the specific case of the prosecution that this petitioner was also with the co-accused but when the Police Authorities have tried to apprehend the accused persons, this petitioner fled away by taking advantage of the bad weather - due to which he could not be arrested at the spot and since then he is absconding.

5. As regard the judgment relied upon by the petitioner, this Court finds that the judgment is distinguishable from the instant case as in the instant case, the petitioner is fled away from the spot and in that case only the co-accused has narrated the name of the petitioner.
6. Considering the above, this Court finds that this is not the fit case for grant of anticipatory bail to the petitioner.
7. Accordingly, the application for anticipatory bail being **C.R.M. (A) 212 of 2026** is dismissed.
8. The case diary is returned.

(Krishna Rao, J.)