

13.01.2026
Item no. 14.
Court No.3.
Rakib

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

CRM (A) 968 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jalpaiguri Police Station Case No. 120 of 2025 dated 27.02.2025 under Sections 18(b) of the Narcotic Drugs and Psychotropic Substances Act.

And

**In the matter of : Sivnath Chakraborty @ Shivnath
Chakraborty
.....Petitioner.**

Mr. Supritam Nag
.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Abhijit Sarkar
Mr. Tapan Bhattacharjee
.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and he has already informed the police authorities after his vehicle was missing and has been implicated in connection with the instant case only on the basis of statement of the co-accused persons. Learned advocate has relied upon an order of the Hon'ble Apex Court passed in Special Leave to Appeal (Crl.) no. 13282/2023 and order of Coordinate Bench passed in CRM (NDPS) 152 of 2025, to emphasise that the owner of the vehicle has no complicity and as such he should be released on bail. It has also been submitted that till date no warrant of arrest has been issued against the

petitioner, as such the police authorities have not prayed for harsher process of law. Consequently, the petitioner may be granted the privilege of anticipatory bail.

On the other hand learned advocate appearing for the State has produced the Case Diary. Case Diary reflects that the vehicle is a private vehicle and not a commercial vehicle. There is an inter-State movement and the vehicle was intercepted with commercial quantity of contraband. As such the prayer for anticipatory bail may be rejected.

I have taken into account the orders passed by the Hon'ble Supreme Court as well as that of the Coordinate Bench and I find that both the orders were passed in an application for bail. In an application for anticipatory bail under the provisions of NDPS Act, the conditions under Section 37 of the NDPS Act are also be taken into account. The twin conditions embedded with such provisions incorporates the satisfaction of the Court to the extent that the petitioner is not guilty of the offence and while being released the petitioner will not commit such offence.

Having considered that in a case for anticipatory bail the primary duty of the Court is to find out whether a case has been made out or not and then only assess regarding the apprehension expressed by the petitioner, I am of the view that having considered the fact that the charge-sheet has already been submitted the question of apprehension at this stage no more remains and is confirmed.

Having regard to the nature of the offence, I am of the view that this is not a fit case for granting the relief prayed for by the petitioner.

As such the prayer for anticipatory bail in CRM (A) 968 of 2025 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.

(Tirthankar Ghosh, J.)