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07.07.2025  
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jdt

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

**C.R.M. (A) 378 of 2025**

In Re : An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Falakata Police Station Case No. 424 of 2024 dated 05.11.2024 under Sections 18(b)/25/29 of the NDPS Act.

And

In Re : **Pintu Dey**

Mr. Sudip Guha

... for the petitioner.

Mr. A. S. Chakraborty  
Mr. Arjun Chowdhury

... for the State.

Report submitted by the State is taken on record.

Learned counsel for the petitioner submits that the petitioner is a HIV positive patient. Though the contraband articles were recovered from his motorbike, he has sold his motorbike and has no nexus with the said recovery.

Learned counsel for the State opposes the prayer and submits that the petitioner has not responded to the notice issued upon him under Section 94 of the BNSS.

I have considered the material on record.

No document has been produced by the petitioner to suggest that he sold out the motorbike prior to the alleged incident. Since the petitioner is the owner of the motorbike

from which the narcotic substances have been recovered, the statutory restrictions under Section 37 of the NDPS Act are attracted.

Accordingly, the prayer for anticipatory bail rejected.

The application for anticipatory bail 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.)**