

19.09.2025
Sl. No.01
Ct. 28
NB

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M. (A) 744 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tufanganj PS Case No.228/2025 dated 26.04.2025 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: Uttam Tambuli ... petitioner

Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Tasmin Ahmed,
Mr. Quazi Ezaz Ahmed.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom
...for the State (though vc).

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that apart from the statement of a co-accused, which is inadmissible in evidence, there is no other incriminating material available against the present petitioner.

Learned counsel appearing on behalf of the State relies on the report and the case diary and opposes the prayer for anticipatory bail. However, he submits that there is no criminal antecedent of the petitioner. He was also not there at the time of incident. The mobile phone record of the accused would be obtained during investigation. The statement of the co-accused implicates the petitioner.

In view of the fact that other than the statement of a co-accused, there is hardly any other incriminating material available against the present petitioner. The petitioner has been able to rebut the restriction contained in Section 37 of the NDPS Act and considering the materials available in the case diary and the fact that charge sheet has been submitted, I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that petitioner shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall surrender before the learned jurisdictional Court and pray for bail within six weeks from this date and shall attend the jurisdictional Court regularly.

The application for anticipatory bail being **C.R.M. (A) 744 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)