

01.04.2025

Item No.16

Ct. No. 3

RUP
rejected

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

C.R.M.(NDPS) 76 of 2025

In Re:- An application for post arrest bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with Kalchini Police Station Case No. 99 of 2024 dated 25.08.2024 under Sections 21 (c) and 29 of the Narcotics Drugs and Psychotropic Substances, 1985.

And

In the matter of : **Sri Rohit Mirdha**

..... petitioner

Mr. Pritam Roy,
Ms. Silpi Basu, Advocate
....for the petitioner

Mr. Saikat Chatterjee.
Mr. Chattu Roy, Advocate
...for the State

Heard learned counsel appearing on behalf of the
petitioner as well as State.

Learned counsel appearing on behalf of the
petitioner has advanced his argument before this Court that
petitioner had no knowledge about the contraband articles
alleged to have been recovered in connection with this case.

It is further submitted that one Aditya Mahali, principal accused of this case, who was riding on a scooty, fled away from the spot.

It is further submitted that petitioner is a resident of Alipurduar and there is no chance of him fleeing from justice.

Learned counsel appearing on behalf of the State has referred to the material in Case Diary, particularly seizure list showing the recovery of contraband articles from the exclusive possession of the petitioner/Sri Rohit Mirdha. It is submitted that contraband articles are of commercial quantity and 4800 Tramadol Hydrochloride Capsules were recovered from the exclusive possession of the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Having heard the learned counsel appearing on behalf of the parties to this application as well as having gone through the entire materials in the Case Diary, prima facie I find that contraband articles in commercial quantity were recovered from the possession of the petitioner and therefore, at this stage I am unable to overcome the legislative hurdle envisaged in Section 37 of the Narcotics Drugs and Psychotropic Substances Act to consider the prayer for bail, in favour of petitioner.

Regard being had to the above, the application for bail stands refused.

Accordingly, **C.R.M.(NDPS) 76 of 2025** stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Bibhas Ranjan De, J.)