

28.04.2025
Court No.3
Sl. No. 2
SM

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

CRM(NDPS) No.93 of 2025

In re: An application for bail under Section 483 of the
Bhartiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Avijit Sinha @ Avijit Singha @ Vanehu

Mr. Hillol Saha Podder

... for the petitioner

Mr. Abhijit Sarkar

Mr. Tapan Bhattacharjee

.. for the State

1. The prayer for bail arises out of an order dated Order dated 23rd December, 2024 passed by the Learned Judge, Special Court (under Narcotic Drugs and Psychotropic Substances Act, 1985), Siliguri in connection with C.R. (NDPS) Case No. 112/2022, thereby rejecting prayer for bail of the petitioner.
2. The petitioner's case is that he is in custody since 10.10.2022 and has prayed for bail on the ground of long detention relying upon the judgment of a Co-ordinate Bench in CRM(NDPS) 1806 of 2023, **Asidul Sk. @ Kalu Sk. Dated 08.11.2023 (Para 3 & 5)** has been relied upon.

3. The State has placed the case diary wherein it appears that 40 bottles of codeine phosphate was recovered from the possession of the petitioner.
4. Memo of arrest shows that Column 1 (e) is not filled up. No grounds of arrest as mandatory under Section 52(1) of the NDPS Act has been informed to the petitioner herein. Charge sheet in the present case has been submitted on 05.04.2023 but it appears that the State has not placed the status report of the trial before the Court.
5. Accordingly, relying upon the judgement of the Hon'ble Supreme Court in ***Pankaj Bansal vs. Union of India & Ors. reported in 2024 (7) SCC 576, (Paragraphs 21,22,27,35,37,38,39,40), Vihaan Kumar vs. State of Haryana & Anr. reported in 2025 SCC OnLine SC 269, (paragraphs 21, 31 and 33), Directorate of Enforcement vs Subhash Sharma, reported in 2025 SCC OnLine SC 240, (Paragraphs 8 & 9)*** and the order of a Co-ordinate Bench in ***Ramkrishna vs. State of West Bengal in CRM (NDPS) 144 of 2025, (paragraphs 10 and 11),*** the petitioners herein namely Avijit Sinha @ Avijit Singha @ Vanehu is entitled to bail.
6. The petitioner namely, Avijit Sinha @ Avijit Singha @ Vanehu, be released on bail upon furnishing bond of Rs.20,000/- each with two registered sureties of Rs.10,000/- **one of which must be local** to the

satisfaction of the learned Judge, Special Court (NDPS), Siliguri, on further condition that they shall attend court on each and every date fixed during trial unless exempted and shall not tamper with any evidence and threatened any witness during pendency of the trial.

7. The petitioner shall not leave the jurisdiction of District Darjeeling without prior permission of the learned Judge, Special Court(NDPS), Siliguri, until further orders.

8. The application for bail is accordingly disposed of.

9. There will be no order as to costs.

10. All connected applications, if any, stand disposed of.

11. Interim order, if any, stands vacated.

12. Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Shampa Dutt (Paul), J.)