

30.04.2025

Sl. No. 5
Court No.3
 BM

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

CRM (NDPS) 135 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023

And

In the matter of : Hasanur Jaman Sk.

... Petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Nilay Chakraborty

Mr. Biswaroop Roy

... for the State

1. The prayer for bail in this case arises out of Pundibari Police Station Case No.1096/2024 dated 30.12.2024 under Sections 21(c)/29 of the NDPS Act, 1985 against an order dated 2nd January, 2025 passed by the learned Special Court (under NDPS Act) Cooch Behar in connection with NDPS Case No.01/2025, thereby rejecting prayer for bail of the petitioner.

2. The petitioner's case is that he is in custody since 29.12.2024 (120 days).

3. Learned counsel for the petitioner relies upon the seizure list and submits that the contraband (brown sugar) recovered from exclusive possession of the petitioner is below the commercial quantity.

4. The State has placed the case diary wherein it appears that 105 grams of brown sugar was seized from the exclusive possession of the present petitioner.

5. Learned counsel for the petitioner prays for bail relying upon an order of the **Co-ordinate Bench passed in CRM (NDPS) 295 of 2024 dated 24.07.2024 in the matter of Jaydev Mohanta vs. State.**

6. **It appears from the seizure list** that the three accused persons including the petitioner herein were arrested on the same date, time and place and the seizure in this case is a **joint seizure made in respect of all three accused persons under a single seizure list.**

7. The three accused persons were travelling together all carrying brown sugar and prima facie having distributed it among themselves, to claim the benefit of same not being of commercial quantity in their exclusive possession.

8. The amount of contraband seized by way of a single seizure is above commercial quantity.

9. Thus, the petitioner is not entitled to claim bail on the ground of parity.

10. Considering the early stage of investigation and offences alleged with the above observation, the prayer for bail stands rejected at this stage.

11. CRM(NDPS) No.135 of 2025 stands disposed of.

(Shampa Dutt (Paul), J.)