

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

22.04.2025  
(ct. no.03)  
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**CRM (NDPS) 149 of 2025**

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

And

**In the matter of : Bishnu Roy**

.... Petitioner.

Mr. Abhishek Singh,  
Mr. Mayank Roy,

... For the Petitioner

Mr. Abhijit Sarkar,  
Mr. Namrata Das

... for the State.

1. The prayer for bail in the present case arises out of an order dated 10.04.2025 being order No. 07 passed in Special Court NDPS Case No. 31 of 2005 under Section 21 (b) of NDPS Act, 1985 arising out of Samuktala police case no. 50 of 2025 dated 11.3.2025 passed by the Learned Additional Sessions Judge, Special Court (NDPS), Alipurduar, thereby rejecting the prayer for bail made on behalf of the accused/petitioner herein.
2. The prosecution case in short is that on 10.3.2025, the petitioner herein being a 19 year old boy was apprehended allegedly being in possession of 52.6 gms. of Brown Sugar. Search, seizure and arrest was done/made by the arresting officer.
3. Learned counsel for the petitioner submits that the amount of Brown Sugar allegedly recovered from the possession of the petitioner is not of commercial quantity and the grounds of

arrest has not been intimated to the petitioner at the time of arrest.

4. It appears from the memo of evidence that the same is incomplete and prima facie the mandatory provision of Section 52(1) of NDPS Act has not been complied with. It is submitted by the learned counsel for the petitioner that there has thus been violation of Article 22(1) of the Constitution of India in the present case.
5. The State has placed the case diary.
6. On hearing the learned counsel for the parties and considering the materials on record and in view of the Judgment of the Hon'ble Supreme Court in ***Vihaan Kumar – vs-State of Haryana and another, reported in 2025 SCC Online SC 269 (Para 31 & 33)*** and the order dated 8.4.2025 passed by a Co-ordinate Bench in ***CRM (NDPS) 144 of 2025, Ramkrishna –vs- State of West Bengal (Para 10 & 11)***, the petitioner herein is entitled to get bail.
7. The petitioner Bishnu Roy shall be released on bail upon furnishing bond of Rs. 20,000/- with two sureties of Rs. 10,000 each one of whom shall be local to the satisfaction of the learned Judge, Special Court, NDPS Act, Alipurduar, on further condition that he shall attend on each and every date fixed during trial and shall not tamper with any evidence or threaten any witness during pendency of trial.
8. The petitioner shall not leave the jurisdiction of district Alipurduar without the prior permission of the Special Court at Alipurduar until further orders.
9. In case the petitioner fails to comply with the conditions as laid down, the learned trial Court shall proceed against the petitioner in accordance with law without further reference to this Court.
10. **The application for bail being CRM (NDPS) 149 of 2025 is accordingly disposed of.**
11. All connected application stand disposed of.
12. Interim order, if any, stands vacated.

- 13.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 14.** Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

**(Shampa Dutt ( Paul ), J.)**