

11.06.2025

Item No.5

Ct.No.2

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (NDPS) 197 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with New Cooch Behar Government Railway Police Station Case No. 05 of 2025 dated 08.02.2025 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Durga Sarkar**

... Petitioner.

Ms. Suman Sehanabis (Mandal),
Ms. Anwesha Chakraborty

... For the Petitioner.

Mr. Nilay Chakraborty, APP,
Mr. Sourav Ganguly

... For the State.

Learned advocate appearing for the petitioner submits that the seizure so effected in connection with the instant case is questionable and only 215 grams of Yaba tablets were seized from the possession of the petitioner, although from the other accused persons 627 grams of Yaba tablets were recovered. It has also been canvassed that only a single independent witness has been cited and there has been no videography of the search and seizure which was carried out. Emphasis has been made that the petitioner is in custody since 25.03.2025 and she has to look after her mother who is 65% disabled.

Learned advocate appearing for the State submits that huge quantity of Yaba tablets were recovered and the recovery was from a railway station. Consequently police authorities had to take steps in a manner which was compatible with the situation prevailing at the place where the recovery has been effected. It is also submitted that the investigation of the case is still in progress and as such, the release of the petitioner would jeopardize the process of investigation.

Having regard to the submissions so advanced by the respective learned advocates, I am of the view that the rigors of Section 37 of the NDPS Act are attracted and at this stage, there is no scope for releasing the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

The application for bail, being CRM (NDPS) 197 of 2025, is, thus, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)