

09.06.2025
Item no. 13.
Court No.2.
Kausik

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 169 of 2025

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Falakata
Police Station Case No. 362 of 2024 Dated 20.09.2024 under
Sections 21(c)/22(c) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

And

In the matter of : Bishnu Roy

.....Petitioner.

Mr. Sourav Ganguly
Mr. Gopal Roy
Ms. Rishita Chakraborty
Mr. Bibhas Kr. Nandi

.....for the Petitioner.

Mr. Abhijit Sarkar
Mr. Subhasish Mishra

.....for the State.

Petitioner is aggrieved by the order of bail being
rejected by the learned Special Court. The main thrust of
contention of the learned advocate appearing for the
petitioner is that although 80 (Eighty) packets of SPASMO-
PROXYVON PLUS Capsule were recovered from the alleged
possession of the petitioner, yet only one strip was sent for
FSL examination.

Learned advocate therefore submits by relying
upon a decision of **State of UP vs. Rajesh Patel** that the

rigors of Section 37 of the NDPS Act will not be attracted in the present case since in a similar set of circumstances by relying upon an earlier judgment of the Hon'ble Supreme Court in **Gaunter Edwin Kircher vs. State of Goa (1993) 3 SCC 145** it has been held that where number of strips are seized wherein each strip contains number of contraband in the form of a tablet, then sample must be taken from each of the strips.

It was emphasized by the learned advocate appearing for the petitioner that as the accused in the said case was favoured with a conviction for small quantity, the petitioner is entitled to the same benefit.

Learned advocate for the State opposes the bail and produces the case diary.

I find from the case diary that the seizure list was accepted by the present petitioner acknowledging the quantum of seizure so affected. It has also been brought to the notice that another accused person is still absconding and evading the process of law. Steps have been taken by the prosecution for splitting up of the trial. Records reflect that the petitioner is in custody since 20.09.2024.

Having considered that the State has already prayed for splitting up of the trial of the case, at this stage, I am not inclined to enlarge the petitioner on bail. However, the petitioner would be at liberty to approach

this Court after the stage of consideration of charge is over.

Thus CRM (NDPS) 169 of 2025 is dismissed at this stage.

Case diary is returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)