

11.06.2025

Item No.4

Ct.No.2

dc.

Rejected

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

C.R.M. (NDPS) 190 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Sitai Police Station Case No. 25 of 2025 dated 31.01.2025
under Sections 21(c)/29 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

And

In Re : **Nipen Ray @ Nripen @ Roy**

... Petitioner.

Mr. Sourav Ganguly,
Ms. Rishita Chakraborty,
Mr. Bibhash Kumar Nandi

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
Dr. Arjun Chowdhury

... For the State.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody since 31.01.2025 and the
seizure which has been effected is basically foisting the
petitioner in connection with the seized contraband. Learned
advocate submits that the petitioner has no relationship with
the contraband and he was a stray person who visited his
relation's house and the seizure was from the village at the
instance of the BSF personnel resulting in the petitioner
being falsely implicated in the case. Emphasis has been
made by the learned advocate that the petitioner is innocent
and is being detained in custody because of the huge

seizures which have been shown by the BSF authorities and subsequently by the investigating officer of the case.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that 219 bottles of Eskuf cough syrup were seized from a sensitive area, eight of the accused persons are absconding and although the charge-sheet has been submitted but the prosecution is not in a position to progress with the case.

I have considered the submissions of the learned advocates for the petitioner and the State and on an assessment of the same, I am of the view that this is not a fit case for bail as the rigors of Section 37 of the NDPS Act are attracted. As such, the prayer for bail of the petitioner is **rejected**.

However, the petitioner cannot be languishing in jail without the progress of the case. As such, the learned Special Court is directed to exhaust the process of law so far as the absconding accused persons are concerned and ensure that the stage of consideration of charges is over by 15th September, 2025.

Petitioner would be at liberty to renew his prayer for bail after the aforesaid stage is over.

The application for bail, being CRM (NDPS) 190 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.)