

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

01.05.2025
(ct. no.03)
13
BR

CRM (NDPS) 193 of 2025

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

And

**In the matter of : Abhinash Kumar Gupta @ Abhinash
Gupta**

.... Petitioner.

Ms. Rishita Chakraborty
... For the Petitioner

Mr. Abhijit Sarkar,
Ms.Namrata Das

... for the State.

1.The prayer for bail in this case arises out of an order dated 10.04.2025 passed by the Special Court(NDPS), Kalimpong arising out of Special NDPS Case No. 12 of 2025 arising out of Reang Police Station Case No. 14 of 2025 dated 05.03.2025 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, rejecting the prayer for extension of interim bail.

2. It is the case of the petitioner herein that he is in custody since his arrest in the present case which was initiated on 05.03.2025.

3.Learned counsel for the petitioner submits that the petitioner was travelling in a commercial vehicle, from which the contraband articles were seized and he had no knowledge about said transport of contraband articles, which includes 12 bottles of

Codeine Phosphate and 72 strips of Dye Dicyclomine Hydrochloride capsule.

4. Learned counsel for the petitioner by submitting a schedule for practical examination VIII semester of the petitioner, prays for bail of the accused person on the ground that on earlier occasion the petitioner was granted interim bail to answer his written examination.

5. Documents have been filed to show that the petitioner is a student pursuing his B.Pharm degree and has excelled in his examination from semester one to semester seven.

6. From the written complaint it appears that the said articles were recovered from the joint possession of the accused persons.

7. It appears from the written complaint that the articles were seized from a white Mahindra Savari vehicle and one old and used Apple-i phone 15 plus was recovered from the exclusive possession of the petitioner.

8. It also appears that the contraband articles were found in a red colour poly bag kept in the middle seat behind the driver's seat in between accused Arjun Thakur and the petitioner Abhinash Kumar Gupta @ Abhinash Gupta.

9. The State has placed the case diary.

10. Considering the fact that the petitioner has not misused his liberty on two earlier occasions while he was permitted by the Court to answer his examinations during the early stage of investigation and also considering the nature of contraband articles recovered and the nature of seizure made as discussed above, the petitioner **Abhinash Kumar Gupta @ Abhinash Gupta** be released on bail of

Rs.20,000/- with two sureties of Rs.10,000/- each **one of which must be local** with condition that he shall attend the court during trial diligently and shall not misuse the liberty granted to him, failing which the Trial Judge shall be at liberty to proceed in accordance with law..

11.The petitioner shall not leave the jurisdiction of Kalimpong district without prior permission of the learned trial Court, except for the purpose of attending his practical examination from **3.5.2025 to 9.5.2025.**

12. CRM (NDPS) 193 of 2025 stands disposed of.

13.Copy of this order be sent to the learned Trial Court at once.

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

(Shampa Dutt (Paul), J.)