

17.06.2025
Serial no. 8
[G.S.D]

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

CRM (NDPS) 203 of 2025

In re : An Application under Section **483** of the BNSS, 2023 in connection with **NJP GRPS P.S. Case No. 81 of 2024 dated 11.10.2024 under sections 8(c)/20(b)(ii)(C)/29 of the NDPS Act, 1985 corresponding to NDPS Case No. 70 of 2025.**
-And-

In the matter of : Rahim Ali

... Petitioner(s)

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. S. Kumar
Ms. Sayantani Das

... for the petitioner(s)

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

... for the State

Learned advocate for the State at the inception submits FSL Report, which opines that seizure so effected was in respect of the contraband being *ganja*, i.e., Tetra Hydro Cannabinol

The record reflects that commercial quantity of contraband was recovered from the possession of the petitioner being 62.735 kgs and the present petitioner has been implicated in the charge-sheet.

Learned advocate for the petitioner submits that the petitioner is innocent of the charges and, inspite of the same, he has been arrested without supplying the grounds of arrest, as such, there has been non-compliance of the judgment of *Vihaan Kumar –v- State of Haryana*.

Learned advocate for the State opposes the prayer for bail and submits that since the seizure was effected from the possession of the petitioner and the Seizing Officer informed the petitioner prior to arrest, so far as the offence is concerned, the petitioner is unable to overcome the rigors of Section 37 of the NDPS Act, as such, the prayer for bail of the petitioner should be rejected.

In view of the judgment of the Hon'ble Supreme Court passed in *Vihaan Kumar* as has been invited to be dealt with by the learned advocate for the petitioner, this court is of the opinion that the said judgment do not cover the offence under the NDPS Act since the Larger Bench of the Hon'ble Supreme Court *earlier* in *Narayanaswamy Ravishankar –vs- Asstt. Director, Directorate of Revenue Intelligence* reported in (2002) 8 SCC 7 had dealt with the issue. Paragraph 6 of the said judgment is quoted below:

"6. It was also contended by the learned Senior Counsel that the ground on which the appellant was arrested was not communicated to him. We find no merit in this because the arrest memo clearly indicates the offence stated to have been committed by the appellant under the NDPS Act. Further, the record also shows that copy of the

arrest memo Ext. P-20 was received by the appellant."

Subsequently, the Hon'ble Calcutta High Court has elaborately dealt with the issue in the series of judgments being CRM (NDPS) 169 of 2025.

Relying upon the decision of the aforesaid Larger Bench in *Narayanaswamy Ravishankar (supra)*, I am of the view that the ground of arrest being not communicated to the petitioner cannot be the sole issue of releasing the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is **Rejected.**

Accordingly, CRM(NDPS) 203 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Since charge-sheet has already been submitted, the learned trial court would take steps for proceeding with the next stage of consideration of charges within a reasonable period of time and would put in efforts for taking the trial to its logical conclusion.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)

