

11.06.2025
Serial no. 9
[G.S.D]

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

CRM (NDPS) 211 of 2025

In re : An Application for **Bail** under Section **483** of the BNSS, 2023 in connection with in connection with **C.R. (NDPS) Case No. 77 of 2024 dated 06.12.2024 arising out of Kotwali P.S. Jalpaiguri Case No. 829 of 2024 dated 06.12.2024 under Sections 20(b)(ii)(B)/21(C)/25/29** of the NDPS Act, 1985.

-And-

In the matter of : Rinku Das & Anr.

... Petitioner(s)

Mr. P. Roy
Mr. Naser Ali
Mr. Rajan Raj
Mr. Debojyoti Goswami
Ms. Tania BHowmick

... for the petitioner(s)

Mr. Nilay Chakraborty, Id. APP
Mr. Tapan Bhattacharjee

... for the State

Learned advocate for the petitioners submits that surprisingly the petitioners have been forcefully implicated in connection with the instant case when they were injured and admitted at the hospital.

It has been further submitted that at the time of arrest, no lady police officer(s) was present and there has been violation of the provisions of the BNSS along with

NDPS Act in respect of the arrest so effected upon the present petitioners.

Learned advocate for the State on the other hand opposes the prayer for bail and submits that forwarding report reflects that lady police personnel accompanied the petitioners when they were produced before the Court. It has further been contended on behalf of the State that the petitioners were arrested from the hospital, they sustained injuries and on the basis of the evidence collected from the available persons when the incident took place the police authorities had to conduct an initial enquiry, thereafter, proceed with the case.

However, it has been submitted that no personal search of the petitioners was carried out, as such, there has been no violation of the provisions of law.

Be that as it may, the issue relating to absence of any female police personnel has been first time canvassed before this Court. The petitioners are granted liberty to canvass this issue before the learned Special Court. The learned Special Court would go into the detail of the records and, if required, call for the General Diary Entry from the concerned police station as also assess the modalities of the arrest so effected by the police personnel before arriving at its conclusion.

However, having considered the seizures so effected which are of commercial quantity, I am not inclined to enlarge the petitioners on bail at this stage.

Accordingly the prayer for bail of the petitioners is **Rejected.**

However, the petitioners would be at liberty to renew their prayer for bail after the stage of consideration of charges are over.

Accordingly, CRM(NDPS) 211 of 2025 is dismissed.

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

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.)

