

09.06.2025

Item No.53

Ct.No.2

dc.

Rejected

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

C.R.M. (NDPS) 220 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Kalimpong Police Station Case No. 129 of 2024 dated
24.10.2024 under Sections 21(c)/29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

And

In Re : **Suresh Kumar Gupta**

... Petitioner.

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

... For the Petitioner.

Mr. Nilay Chakraborty, APP,
Mr. Biswarup Roy

... For the State.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody since 24.10.2024 and has
been falsely implicated because of the reason that he
happens to be a driver of a commercial vehicle and the goods
which have been seized were at the foothold of the back seat
of the vehicle. A passenger booked the commercial vehicle
and was also boarding the vehicle when the police
authorities intercepted the same. Surprisingly, according to
the petitioner, the other person has been left out and whole
onus has been fixed upon the present petitioner without any
rhyme or reason. Thus, it has been submitted by the learned
advocate for the petitioner that the genesis of the factual

foundation of the case itself goes beyond the prudence of any human understanding. As such, the learned advocate prays for bail on behalf of the petitioner.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that commercial quantity of Codeine Phosphate & Triprolidine HCI Syrup was seized from the commercial vehicle. It has also been submitted on behalf of the State that the issues so canvassed are first time agitated before the High Court in a bail application and although charges have been framed at no point of time such issues were canvassed.

Be that as it may, since the learned Trial Court has fixed date for evidence of the instant case, at this stage, I do not intend to favour the petitioner with an order of bail. However, since from the seizure list, it reflects that one of the witnesses namely Bikash Thapa has been cited as CSW-3, petitioner would be at liberty to approach this Court after the evidence of CSW-3 is over.

Learned Trial Court would put in efforts so that CSW-3 is examined by 08.08.2025.

As such, the prayer for bail of the petitioner at this stage is **rejected**.

The application for bail, being CRM (NDPS) 220 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.)