

18.06.2025
Serial no. 37
[G.S.D]

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

CRM (NDPS) 246 of 2025

In re : An Application for **Bail** under Section **483** of the BNSS, 2023 in connection with **Malbazar P.S. Case No. 736 of 2024** dated **29.12.2024** under sections **21(c)/22(c)/25/27A/29** of the **NDPS Act, 1985** read with Sections **25 (1B)(a)/29/35** of the **Arms Act**.

-And-

In the matter of : Sanjib Sarkar

... Petitioner(s)

Mr. Jaydeep Kanto Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das

... for the petitioner(s)

Mr. Sourav Ganguly
Mr. Dr. Arjun Chowdhury

... for the State

The petitioner has approached this court praying for bail on the ground that he has license for carrying out the business of medicine but he has been falsely implicated in connection with the instant case pursuant to the seizures being effected by the investigating officer in connection with Malbazar P.S. Case No. 736 of 2024.

Learned advocate submits that the petitioner is in custody since 06.01.2025, *although*, charge-sheet has

already been submitted, there has been no progress in the case.

Learned advocate for the State, on the other hand, draws the attention of the court to the statement of the independent witnesses as also the Sub-Divisional Officer and, again, draws the attention of the court to the relevant part of the statement which reflects that there were underground chamber at the house of the present petitioner from which recoveries were effected so far as the bottles of cough syrup and boxes of Pyeevon Spas plus capsule were recovered. But, no documents, to that effect, were submitted before the investigating agency to substantiate the claim particularly with regard to the manner in which the aforesaid contraband were concealed. The charge-sheeted witness nos. 17 and 18 happen to be the independent witnesses and the witness no.19 is the Deputy Magistrate and Deputy Collector, SDO Office, Malbazar.

In view of the seizures so effected, I am of the opinion the petitioner should not be enlarged on bail.

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

However, the learned Special Court is directed to expedite the process of consideration of charges and after the consideration of charges are over, the prosecution is directed to ensure that after the examination of the

informant, CSW 17, 18 and 19 be tendered in support of the prosecution's case preferably within 28th November, 2025.

The petitioner would be at liberty to pray for bail after the evidence of the aforesaid three witnesses are over.

Accordingly, CRM(NDPS) 246 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.)