

18.06.2025

Item No.42

Ct.No.2

dc.

Allowed

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

C.R.M. (NDPS) 254 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Kharibari Police Station Case No. 375 of 2024 dated
04.12.2024 under Sections 21(b)(c)/29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

And

In Re : **Khagen Roy**

... Petitioner.

Ms. Rima Sarkar,
Ms. Sidhi Sethia,
Ms. Suparna Pal

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Kallol Nag

... For the State.

Learned advocate appearing for the petitioner submits
that three of the accused persons have already been released
on bail. So far as the present petitioner is concerned
allegedly recoveries were 101 grams of brown sugar which is
an intermediate quantity and 12 bottles of Eskuf cough
syrup which is just above the commercial quantity. The
petitioner is in custody since 4th December, 2024. As such, it
is prayed that the petitioner may be released on bail on any
stringent condition.

Learned advocate appearing for the State opposes the
prayer for bail and submits that it is only from the petitioner

seizures have been effected and whole of the contraband taken together makes out a case for commercial quantity thereby attracting the provisions of Section 37 of the NDPS Act.

Be that as it may, since the petitioner is in custody for more than six months and charges are yet to be framed, I am of the view that the petitioner may be released on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 2nd Court (under the N.D.P.S. Act) at Siliguri.

If on bail, the petitioner shall attend the court on each and every date and shall not leave the jurisdiction of the sub-Division of Siliguri without the permission of the learned Special Judge.

In case there is any violation of the conditions so imposed, the learned Special Court would cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (NDPS) 254 of 2025, is, thus, disposed of.

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.)