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10.07.2025
Ct.No.2
b.das
Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

C.R.M. (NDPS) 295 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Bhaktinagar P.S. Case No. 347 of 2025 dated 19.04.2025 under Sections 21 (c)/22(c)/25 of the NDPS Act.

And

In Re : **Mrinal @ Kunal Roy** ... Petitioner.

Mr. Saikat Chatterjee
Ms. P. Sarkar
Mr. Karan Paswan ... for the Petitioner.

Mr. Kallol Acharjee
Mr. Bhaskar Das
Mr. Chattu Roy ... for the State.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that there has been violation of Section 42(2) of the NDPS Act. Grounds of arrest have not been informed to the petitioner at the time of his arrest. Inspector in charge, Bhaktinagar P.S. who is a gazetted officer is part of the raiding team. Column 2(c) of the memo of arrest is also lying blank.

Learned counsel for the petitioner places reliance on the authorities in Vihaan Kumar vs. State of Haryana & Anr. reported in AIR 2025 SC 1388 and Prabir Purkayastha vs.

State (NCT of Delhi) reported in AIR 2024 SC 2967 in support of his contention.

Learned counsel for the State opposes the prayer and submits that contraband article of commercial quantity has been recovered from the petitioner.

I have perused the material on record. In view of the irregularity pointed out on behalf of the petitioner, this Court is inclined to release the petitioner on bail.

Accordingly, prayer for bail is allowed.

The petitioner namely **Mrinal @ Kunal Roy** be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that he shall appear before the investigating officer of the case once a week till submission of charge sheet. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)