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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) 296 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Pradhannagar P.S. Case No. 315 of 2025 dated 06.05.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : **Dipchand Barman** ... Petitioner.

Mr. Hillol Saha Podder ... for the Petitioner.

Mr. Kallol Acharjee

Mr. Bhaskar Das

Mr. Dhiman Sil ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for 65 days.

Learned counsel for the petitioner submits that grounds of arrest were not communicated to the petitioner at the time of his arrest. Column 2(c) of the memo of arrest is also lying blank.

Opposing the prayer, learned counsel submits that contraband article of commercial quantity has been recovered from the petitioner.

In view of the law laid down by the Hon'ble Supreme Court 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, this Court is

inclined to hold that the petitioner ought to be released on bail in view of the irregularities in his arrest.

Accordingly, prayer for bail is allowed.

The petitioner namely **Dipchand Barman** 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 Additional Chief Judicial Magistrate, Siliguri subject to condition that he shall reside within the jurisdiction of Pradhannagar P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The petitioner 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 adhere to 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.)