

31.10.2025
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SB
Ct no. 3
Rejected

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.R.M. (NDPS) 391 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 18 of 2025 arising out of Bhaktinagar Police Station case no. 293 of 2025 dated 29.3.2025 under Sections 21(c)/22(c) of the NDPS Act 1985.

And

In the matter of : **Subodh Kumar Das**

.... Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Biswarup Roy

...for the State

Prosecution case is that 264 gms. of brown sugar was recovered from the possession of the present petitioner and the petitioner is in custody since 29th March, 2025.

Learned counsel for the petitioner submits that marginally above the commercial quantity of 250 gms. of brown sugar was allegedly recovered from the possession of the present petitioner and since the petitioner has no criminal antecedent so restriction imposed under Section 37 of the NDPS Act can be relaxed and the petitioner can be considered for the grant of bail since there is no likelihood of early conclusion of trial.

In support of his contention, he relied upon a judgment of **Gurprabh Singh @ Prince Vs. State of Punjab** dated 27th February, 2025 passed by the Punjab and Haryana High

Court. His further contention is that 10 gms. of samples was sent for forensic examination but it appears that the forensic laboratory has received a sample which is weighing 8.5 gms. including the packet. Considering all these, the petitioner may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that commercial quantity of narcotic substance was recovered from the exclusive possession of the present petitioner and the next date is fixed on 20th November, 2025 for framing of charge and as such, the trial is going to commence shortly.

Having considered the submissions made on behalf of both the parties, it appears from the materials placed before me that the petitioner has failed to overcome the restrictions imposed under Section 37 of the NDPS Act. The case law relied by the petitioner is factually distinguishable since in that case, the prayer was considered after the petitioner was incarcerated for a considerable period of time and the trial did not progress.

In view of the facts and circumstances of the case, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 391 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)