

10.09.2025
Ct. No.3
Sl. No.50
Mujahid

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

C.R.M. (NDPS) 400 of 2025

In Re: An application for bail under Section 483 of the BNSS, 2023 in connection with **Kotwali** P.S. Case No. **307** of **2025** dated **26.03.2025** under Sections **20(b)(ii)(c)/25/29** of the NDPS Act, 1985.

-And-

In the matter of: **Tapas Rajbhar**

...Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Nilay Chakraborty, Ld. APP,
Mr. Sourav Ganguly

...for the State

1. Learned counsel for the petitioner submits that the petitioner's name has appeared in the disclosure statement of co-accused. Learned counsel further submits that there is only electronic evidence regarding telephonic conversation against the petitioner.
2. Learned counsel for the State has opposed the bail application on the ground that as per electronic evidence, the petitioner was present on the same spot where the vehicle from which contraband was loaded. Learned counsel further submits that immediately after the incident, the petitioner absconded which also shows in criminal allegation.
3. During the course of submission, it has transpired that the petitioner is not named in the FIR and pre-dominantly the

evidence against the petitioner is in the form CDR, admittedly there are no financial transactions. Nor is there any criminal antecedents.

4. It is a settled proposition that in absence of any other incriminating material, the CAF/CDR details cannot be a ground to the bail. Reliance can be placed upon Deepak Nagiya vs. State (NCT of Delhi) 2023 SCC Online Delhi 5641. The petitioner is in custody for the last 80 days.

5. Therefore, the prayer of bail is considered and allowed.

6. Thus, taking into account the facts and circumstances of this case petitioner is admitted to bail upon furnishing a personal bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court (NDPS), Cooch Behar and on subject to the conditions as laid down under Section 439 of Cr.P.C. corresponding to Section 483 of the BNSS, 2023 and on further conditions that the petitioner shall attend the trial regularly and the petitioner shall also meet the Investigating Officer every fortnight once in a week till the investigating is completed.

7. Accordingly, **C.R.M. (NDPS) 400 of 2025** stands disposed of.

8. Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties upon compliance of all legal formalities.

(Dinesh Kumar Sharma, J.)