

17.11.2025

Item No.DL23
Court No. 4

REJECTED

Asraf, A.R.(Ct.)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (NDPS) 405 of 2025**

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to
Section 439 of the Code of Criminal Procedure, 1973
filed in connection with Jaigaon PS case no.31 of 2025
dated 11.02.2025 under Sections 21(C), 25 and 29 of
the Narcotics Drugs and Psychotropic Substances,
1985.

-and-

In the matter of :

NIMA DUKPA

... .. Petitioner

For the Petitioner :

Mr. Pritam Roy
Ms. Silpi Basu

... Advocates

For the State :

Mr. Aditi Shankar Chakraborty, APP
Mr. Kallol Nag

... Advocates

1. It is submitted on behalf of the petitioner that the contraband were recovered from the possession of the petitioner without the presence of any independent witnesses. Only the police personnel have signed on the seizure list. Learned advocate for the petitioner further submits that there are other discrepancies with regard to the recovery and raid conducted by the authorities.
2. State is represented.
3. I have gone through the case diary.

4. 1,692 straps of SPSPHEN capsules were allegedly recovered from the possession of the petitioner. The petitioner is in custody for nine months. The case has ended into chargesheet.
5. In view of the aforesaid materials on record available in the case diary including the seizure list, I am not in a position to return a finding that the petitioner was not involved in dealing with contraband articles. So far as procedural irregularities are concerned, that would be taken into consideration at the time of trial.
6. Under such circumstances, I am not inclined to enlarge the petitioner on bail.
7. Accordingly, the application for bail is **rejected**.
8. **CRM(NDPS) 405 of 2025** stands disposed of.
9. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)