

29.10.2025

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SB

Ct no. 3

Rejected

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

C.R.M. (NDPS) 414 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. 369 of 2025 arising out of Dhupguri Police Station case no. 191 of 2025 dated 24.5.2025 under Sections 21(c)/25/29 of the NDPS Act 1985.

And

In the matter of : **Bhullu Ray**

.... Petitioner

Mr. Pradip Chatterjee

Mr. Uday Sankar Sarkar

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Kallol Nag

...for the State

Prosecution case is that commercial quantity of contraband was recovered from the possession of the accused persons including the present petitioner who is in custody for about 157 days.

Learned counsel for the petitioner submits that he is a commercial truck driver and he had no knowledge about the subject matter of consignment and as such, it cannot be said that the petitioner was in conscious possession of the narcotic substance.

In support of his contention that he was not in conscious possession being a commercial truck driver, he relied upon judgment of Apex Court in the case of **Harbhajan**

Singh Vs. State of Haryana (Criminal Appeal no. 1480 of 2011) and **Lorik Ram Vs. State of Assam (Bail Application no. 965 of 2022)** passed by the Gauhati High Court. It is further alleged that the search was made twice and the Executive Magistrate came to the spot after one hour of intercepting the vehicle.

Learned counsel for the State submits that when the truck was intercepted, 2800 bottles of cough syrup was recovered from the possession of the present petitioner and thereafter, the petitioner was interrogated and following his statement two other accused persons, were arrested and from their possession, another 10,446 bottles of cough syrup was recovered and as such, it cannot be said that the petitioner was not in conscious possession of the narcotic substance. He further submits that the investigation has not yet completed.

Having considered the submissions made on behalf of both the parties and also considering the materials placed before me, I find that there are reasonable grounds for believing that the petitioner has direct involvement with the alleged offence and as such, the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case and furthermore investigation is still continuing and as such, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 414 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.)