

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) 429 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with PTN case no. WBCB010000998/2025 arising out of Ghokshadanga Police Station case no. 402 of 2025 dated 4.8.2025 under Sections 20(b)(ii)(c)/25 of the NDPS Act 1985.

And

In the matter of : **Jiarul Hoque**

.... Petitioner

Mr. Sandip Guha Roy

Mr. Ananda Paul

Mr. Lipton Islam

...for the Petitioner

Mr. Nilay Chakraborty, Ld. APP

Mr. Aniruddha Biswas

...for the State

Prosecution case is that 33 kgs. of Ganja was recovered from the dicci of a vehicle when it was intercepted and the driver of the vehicle fled away from the spot with the key. Further prosecution case is that the said key was subsequently recovered from the possession of the present petitioner upon preparation of a seizure list dated 13.8.2025. Therefore, learned counsel for the prosecution submits that there are reasonable grounds for believing that the petitioner has direct involvement with the alleged offence.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the present petitioner. The petitioner is neither the owner of the vehicle nor any

authorization has been stated to be given to him to drive the alleged vehicle. He further submits that another co-accused namely, Pinku Barman has been granted bail by this court and the present petitioner is almost on the same footing with that of the co-accused. In fact, he has been falsely implicated, though he is neither FIR named nor any narcotic substance was recovered from his possession and he is suffering incarceration for last 79 days.

Learned counsel for the State in reply submits that the present petitioner is not on the same footing with that of the co-accused, Pinku Barman. The petitioner's involvement with the alleged offence has been clearly established during investigation and he further submits that the investigation is still in progress.

Having considered the submissions made on behalf of both the parties and also considering the materials placed before me, I find that the petitioner has failed to rebut the statutory presumptions mentioned in Section 37 of the NDPS Act. Furthermore, investigation is still in progress. Considering all these, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 429 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.)