

17.11.2025
Item No.39
Ct. No. 4
CHC
(Rejected)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(NDPS) 441 of 2025

In Re:- An application under Section 439 of the Code of Criminal Procedure, 1973 as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.83 of 2024 arising out of Siliguri Town GRPS Police Station Case No.23 of 2024 dated 20/11/2024 under Sections 8(C)/20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Avik Dhar**

..... petitioner

Mr. Kumar Shantanu, Advocate
Mr. Taiab Sahadat, Advocate
Mr. Rakesh Roy, Advocate
....for the petitioner

Mr. Kallol Acharjee, Advocate
Mr. Dhiman Sil, Advocate
...for the State

1. Petitioner was found with contraband articles.
2. At this stage, learned advocate for the petitioner submits that, charge-sheet in the case has already been submitted. Learned advocate for the petitioner submits that, the father of the petitioner expired on November 9, 2025. He seeks to be enlarged on bail on humanitarian ground.
3. State is represented.
4. Materials on record go to show that quantity of contraband articles recovered from the petitioner. The

investigation of the case has been ended in a charge-sheet. Trial is yet to commence.

5. In the facts and circumstances of the case, I am not in a position to return a finding that petitioner has been able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
6. In such circumstances, I am not inclined to enlarge the petitioner on bail.
7. Prayer for bail of the petitioner is rejected.
8. However, State will facilitate that the petitioner attends to the last rites of his father to be performed on November 22, 2025.

(Md. Shabbar Rashidi, J.)