

17.11.2025
Item No.46
Ct. No. 4
CHC
(Rejected)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(NDPS) 451 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.83 of 2025 arising out of Sitai Police Station Case No.117 of 2025 dated 28.05.2025 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Nur Islam Miah @ Lambu**

..... petitioner

Mr. Debasish Mukhopadhyay, Advocate
Ms. Madhushri Dutta, Advocate
....for the petitioner

Mr. Kallol Acharjee, Advocate
Mr. Ujjwal Luksom, Advocate
Mr. Subhasish Misra, Advocate
...for the State

1. Bail application is taken up for consideration.
2. It is submitted on behalf of the petitioner that, the quantity of contraband recovered from the possession of the petitioner, was just above the commercial quantity. Learned advocate for the petitioner also submits that, petitioner had no knowledge that, he was carrying contraband. The investigation of the case already ended in a charge-sheet. Trial is yet to be commenced. Accordingly, she prays for bail of the petitioner.
3. Learned advocate for the State submits that, commercial quantity of contraband was recovered from the possession

of the petitioner. The case is fixed on 24th November, 2025 for consideration of charge.

4. From the materials on record as well as in the case diary, it transpires that, petitioner was found in active possession of 86 grams of Yaba Tablet which is above the commercial quantity of contraband. The petitioner although claims that, he had no knowledge of the contraband in his possession but the at the same time he has not explained as to how it came into his possession. The investigation of the case has ended in a charge-sheet and the trial of the case is about to begin being fixed on November 24, 2025 for consideration of charge.
5. In the facts and circumstances of the present case, I am not in a position to return a finding that, the 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 grant bail to the petitioner.
7. Prayer for bail of the petitioner, is, thus rejected.
8. Upon framing charge in the case, learned Trial Court shall endeavour to conclude the trial as early as possible.

(Md. Shabbar Rashidi, J.)