

03.06.2026

D/L No.114

Court No.7

S.Gayen/

Rohan

Vacation

Bench

(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

C.R.M.(NDPS) 1126 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaduria Police Station Case No. 439 of 2024 dated 01.09.2024 under sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

-And-

In the matter of: Upam Biswas alias Soumya Biswas alias Sona
...Petitioner

Mr. Debasis Kar

...for the Petitioner

Mr. Moyukh Mukherjee

...for the State

1. The learned counsel for the petitioner has submitted that the seizure witnesses were examined but they do not support the prosecution case.
2. Mr. Mukherjee, learned counsel for the State has fairly admitted that although the seizure witnesses were examined as per direction of the Hon'ble Coordinate Bench, they do not support the prosecution case. He points out that there are certain criminal antecedents of the present petitioner but there was no conviction against the petitioner.
3. I have found that the petitioner has been able to rebut his statutory presumption under Section 37 of the NDPS Act.
4. Accordingly, the application for bail of the petitioner namely,
Upam Biswas alias Soumya Biswas alias Sona is, thus, **allowed**.

5. I direct that the petitioner shall be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate at Barasat. The petitioner shall appear before the learned Trial Court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Investigating Officer once in a fortnight until further order and shall not leave the jurisdiction of the concerned police station without prior permission of the learned Trial Court, except for the purpose of attending Court.
6. In the event, the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. Thus, the application for bail being **C.R.M. (NDPS) 1126 of 2026** stands disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)