

19.02.2026

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jdt.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (NDPS) 12 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Kotwali
Police Station Case No. 731 of 2024 dated 16.07.2024 under
Sections 21(c)/25/29 of the NDPS Act.

And

In Re : Sumit Mishra

Ms. Upasana Chhetri

... For the Petitioner.

Mr. Ujjwal Luksum

Mr. Chattu Roy

... For the State

The petitioner is in custody for more than a year and prays
for bail.

Learned counsel for the petitioner submits that the trial is
proceeding at a snail's pace. Search and seizure have also not been
videographed. He is the driver of the vehicle from which the
contraband substance was seized. He was not in conscious
possession of the articles and was merely driving the vehicle for his
livelihood.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It appears from the written complaint that though search
and seizure were being videographed, it was interrupted due to rain

fall and the battery of the recording device getting exhausted. Therefore, there is substantial compliance of the mandate laid down by this Court. Contraband substance of commercial quantity has been recovered from the vehicle which was being driven by the petitioner. Whether the petitioner was in conscious possession of the said substance shall be decided at the appropriate stage of trial.

This Court is informed that 19 witnesses are proposed to be examined out of whom P.W. 1 has been examined in chief.

In view of the statutory restriction under Section 37 of the NDPS Act , prayer for bail is rejected at this stage.

Learned trial Court is directed to expedite the trial and take the same to its logical conclusion in accordance with law.

CRM (NDPS) 12 of 2026 is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)