

19.02.2026

Item No.12

Ct.No.06

b.das

Reject

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

C.R.M. (A) 45 of 2026

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No. 302 of 2025 dated 13.06.2025 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : **Shiben Sarkar**

... Petitioner

Ms. Rima Sarkar

Ms. Sidhi Sethia

Ms. Suparna Paul ... for the Petitioner

Mr. Kallol Acharjee

Mr. Bhaskar Das ... for the State

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that narcotic substance was recovered from the house of the petitioner. The alleged search and seizure were not monitored by a superior police officer of the rank of Additional Superintendant of Police and search and seizure were also not videographed in compliance with the order of this Court in CRM (NDPS) 492 of 2022 and CRM (NDPS) 493 of 2022 passed on 22nd June, 2022. The petitioner prays for anticipatory bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

Investigation is in progress. Contraband substance of commercial quantity has been allegedly recovered from the house of the petitioner. The petitioner was not present in the house at the relevant time.

A pen drive annexed to the case diary prima facie suggests videography of the search and seizure. It is a fact that the search and seizure was not monitored by a superior police officer of the rank of Additional Superintendant of Police.

Such irregularity shall be dealt with at the appropriate stage of trial. Since contraband substance of commercial quantity was allegedly recovered from the house of the petitioner, in view of the statutory restriction under Section 37 of the NDPS Act prayer for anticipatory bail is rejected.

The application being CRM (A) 45 of 2026 is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)