

13.02.2026

Item No.27

Ct.No.05

b.das

Reject

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

C.R.M. (A) 81 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 Kotwali Police Station Case No. 241 of 2025 dated 08.03.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : **Biswanath Mandal**

... Petitioner

Mr. Bibhash Kr. Nandi

... for the Petitioner

Mr. A.S. Chakraborty

Dr. Arjun Chowdhury

... for the State

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that though contraband substance was recovered from the petitioner's wife from a house allegedly belonging to the petitioner, the house does not belong to him and he was not present therein at the time of search and seizure.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

Huge quantity of contraband article was recovered from the possession of the petitioner's wife from the house where she was residing. Though the petitioner was not present at the time of search and seizure, he cannot avoid the responsibility of being the owner of the house.

In view of the statutory restrictions laid down under Section 37 of the NDPS Act, prayer for anticipatory bail is rejected.

The application being CRM (A) 81 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.)