

21.04.2026

Item no.07.

Court No.5.

Suman

(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 185 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No.98 of 2024 dated 13.02.2024 under Section 21(c) of the Narcotics Drugs and Psychotropic Substances Act and corresponding to NDPS No. 10 of 2024 pending before the learned Judge, Special Court (Under NDPS Act), 1ST Court, Jalpaiguri.

And

**In the matter of : Nanda Roy @ Nand Roy
.....Petitioner.**

Mr. Sudip Guha
Ms. Sayantani Das
.....for the Petitioner.

Mr. Nilay Chakraborty, ld. APP
Mr. Tapan Bhattacharjee
.....for the State.

Mr. Sudip Guha, learned advocate appearing for the petitioner, submits that the petitioner has no connection with the alleged offence and is in no way connected with the principal accused persons from whose vehicle the contraband articles were seized. He further submits that the charge-sheet has already been filed. Accordingly, custodial interrogation of the present petitioner is not required.

Mr. Nilay Chakraborty, learned APP appearing for the State, produces the case diary and vehemently opposes the prayer based on the materials available in the case diary.

Heard the learned advocates appearing for the respective parties and perused the materials on record including the case diary.

In the present case, based on an allegation that 97 bottles of codeine phosphate-based cough syrup were recovered from a two-wheeler owned by one Subhas Chandra Roy, the present case was initiated.

Admittedly, the charge-sheet has been submitted. Records reveal that, by an order dated 23rd March, 2026, a Co-ordinate Bench of this Court directed the Investigating Officer to file a report regarding the criminal antecedents or money trailor phone conversations between the petitioner and the principal accused persons at the relevant point of time.

In compliance with that order, a report has been filed indicating that the petitioner was earlier booked in connection with Kotwali P.S. Case No. 961 of 2019 dated 26th December, 2019 under Sections 379/411/414 IPC read with Section 14 of the Foreigners Act. In that case, a charge-sheet had been submitted. However, no material has been produced to demonstrate that there was any telephonic conversation between the petitioner and the principal accused persons at the relevant point of time. Taking note of this fact, I am of the view that the benefit under Section 482 can be extended to the present petitioner.

Accordingly, the application being **CRM (A)185 of 2026** is **allowed.**

It is ordered that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000/- (Rupees Ten Thousand

only) each, one of whom must be local, to the satisfaction of the learned Judge, NDPS Court, Jalpaiguri, and subject to the conditions as laid down under Section 482(2) of the BNSS corresponding to 438 (2) of the Cr.P.C. It is further directed that the petitioner shall not leave the jurisdiction of the concerned Court without prior permission of the learned trial Court.

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

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

(Partha Sarathi Chatterjee, J.)