CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

17.11.2026
ct 5
sl no.5
DB/CM

C.R.M. (NDPS) 299 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj P.S. Case No. 129 of 2025 dated 11.03.2025 Sections 20(b)(ii)(c)/29 of NDPS Act, corresponding to NDPS Case No. 83/2025.

Rejected

In Re : Monoj Kumar Barman @ Manoj Kumar Barman
..... petitioner

Mr. Abhijit Karmakar, Adv.
Mr. Soumyadeep Dhar, Adv.
Mr. A. Mittal, Adv.
..... for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Mr. Baishali Chakraborty, Adv.
.... for the State

1. The Learned Advocate representing the petitioner submits the petitioner to have been falsely implicated in the instant case whereby contraband articles stored at a house was seized. The said house does not belong to the petitioner and the petitioner does not have any knowledge of such storage of contraband articles and after filing of the charge sheet the petitioner has learnt of such criminal implication for the first time. Since, the petitioner has been in custody for 3 months and 24 days without any fault on his part, the petitioner is to be enlarged on bail.

2. The Learned Advocate representing the State referred to the Memo of Evidence recorded in the Case Diary which delineated the seizure of contraband articles, namely, ***"One green color gunny bag containing ganja like substance weighting 47.300 Kg. marked***

as Exhibit 'A', (2) One green color gunny bag containing ganja like substance weighting 33.500 Kg. marked as Exhibit 'B', (3) One green color gunny bag containing ganja like substance weighting 55.00 Kg, marked as Exhibit 'C'. (4) One green color gunny bag containing ganja like substance weighting 46.300 Kg. marked as Exhibit 'D', (5) One green color gunny bag containing ganja like substance weighting 27.600 Kg, marked as Exhibit 'E'", which was of commercial quantity from the house of the petitioner wherein a service connection from WBSEDCL against a consumer number granted to the petitioner had been provided. The said contraband articles were seized following the legal procedures of search, seizure, labeling and processing on 11th March, 2025 between 15:05 hours and 16:30 hours. The petitioner had illegally stored the aforesaid contraband articles and accordingly, shall not be released on bail.

3. The Investigating Agency apart from placing the meter has registered in the name of the petitioner did not file any authentic document to substantiate the house being the place of illegal storage of contraband articles to be owned by the present petitioner. However, the statement of the witnesses recorded under Section 180 of the BNSS as appearing in pages 27, 28, 29 and 30 of the Case Diary *prima-facie* identified the place of occurrence to be the house of the present petitioner. The petitioner had been absconding and had subsequently surrendered. Apart from denial of ownership of the house in question by the petitioner, no

plausible material to rebut presumption under the provision of Section 35 of the NDPS Act, 1985 had been depicted at this stage. The seized contraband articles are of commercial quantity and the twin test under Section 37 of the NDPS Act had not been fettered at this juncture. Accordingly, this Court is not inclined to release the petitioner on bail.

4. Accordingly, the prayer for bail is rejected.

5. The application being CRM(NDPS) No. 299 of 2026 is disposed of.

6. Copy of the order be communicated to the concerned Trial Court forthwith.

7. The case diary be returned.

(Ananya Bandyopadhyay, J.)