CALCUTTA HIGH COURT

IN THE CIRCUIT BENCH AT JALPAIGURI

19.11.2026

ct 5

sl no.27

DB

C.R.M. (NDPS) 490 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Cooch Behar G.R. P.S. Case No. 2 of 2025 dated 21.01.2025 Sections 21(C)/29 of NDPS Act,.

Rejected

In Re : Lilabati Devi

..... petitioner

Mr. Joydeep Kanta Bhowmick

..... for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.

.... for the State

1. The Learned advocate representing the petitioner submitted, the memo arrest signed by the petitioner did not explicitly mention the ground of arrest and there had been a violation of the Constitutional safeguard under Article 22(1) of the Constitution of India, as well as section 47 of the BNSS and relied upon an order passed by the coordinate bench of this in CRM (NDPS) 608 of 2025 and accordingly, he prayed for grant of bail.
2. The learned Advocate representing the State submitted such lapses, if any in technicalities did not obliterate the gravity of

the case whereby huge quantity of contraband articles had been seized and a case had been registered under section 21C and 29 of the NDPS Act and relied upon the decisions of the Hon'ble Supreme Court in ***State of Rajasthan Vs. Jhabra Ram*** *[2026 SCC OnLine SC 2270].* The notice served under Section 103 of the BNNS, in reference, to **New Cooch Behar GRPS GD Entry No. 689 of 2025** dated, 20.01.2025 *inter-alia*, stated as follows:

> *"Place: Women Desk of New Cooch Behar GRPS of New Cooch Behar Railways Station.*
>
> *To*
>
> *Mrs. Lilabati Devi*
>
> *W/O: Jaijai Ram Yadav*
>
> *Village: Barauni*
>
> *PO:- Do*
>
> *PS: Tegra*
>
> *Dist. Begusarui State Bihar*
> *As you have stated that you are in conscious possession of huge quantity of "Eskuf" Cough Syrup (Codeine Phosphate & Triprolidine Hydrochloride Syrup) Which is a contraband drug under NDPS Act.*
> *Hence, as per the provision laid down under NDPS Act. You have the right to search the raid team consisting of --- Persons including me and our belongings.*
> *Note: Read Over translated to Hindi explained by me to the accused person*"

3. The said notice appearing at page 47 of the case diary reflected the signature of the present petitioner and the translation of the entire episode of her right to be searched by

the raiding team, consisting of SI, of New Cooch Behar, GRPS, had been explained to the petitioner in Hindi language for her to comprehend. The reference of such GD entry number, as well as the place of detention, had been mentioned in column 4 and 5 of the memo of arrest which was signed by the present petitioner on 21st of January 2025. Therefore, for the aspect of non-disclosure of the ground of arrest, to the petitioner is eradicated. The commercial quantity of the contraband articles seized from the possession of the petitioner and co accused persons did not relieve the restriction under section 37 of the NDPS Act and accordingly, this Court is not inclined to release the petitioner on bail. The bail application is considered and rejected.

4. Accordingly, CRM(NDPS) 490 of 2026 is disposed of.

5. The, Trial Court is to expedite the process of recording evidence of the witnesses without granting unnecessary adjournments to either of the parties, disregarding the cease work, called by the local bar, if any.

(Ananya Bandyopadhyay, J.)