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

20.11.2026
Ct No.5
Item No.15
PA

CRM (NDPS) 554 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023 in connection with Kharibari P.S. Case No.302 of 2025 dated 19.10.2025 under Sections 21(c)/29 of the NDPS Act, 1985.

And

Allowed

In Re: Lakhindra Roy @ Ray

...Petitioner

Mr. Jaydeep Kanta Bhowmick, Adv.
Mr. Sayantan Bhowmick, Adv.

...for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Mr. Gobinda Ghosh, Adv.
Mr. Mayank Bhandari, Adv.

...for the State

1. The Learned Advocate representing the petitioner referred to an Order dated 04.11.2026 passed by the Co-Ordinate Bench of this Court whereby two accused persons implicated in the instant case had been released on bail by the Co-Ordinate Bench of this Court considering the period of detention. Moreover, there was no recovery of contraband from the possession of the petitioner and on the ground of parity, seeks release of the petitioner on bail.
2. The Learned Advocate representing the petitioner relied on an Order dated 28.09.2022 passed by the Division Bench of this Court in CRM (NDPS) No.325 of 2022 wherein the petitioner was

released on bail in absence of recovery of narcotic substance from the possession of the petitioner and been apprehended on the basis of statements of co-accused persons before the Police Officer being *de hors* the law after a period of 94 days in custody.

3. The Learned Advocate representing the State opposed the prayer for grant of bail referring to the Order dated 23rd of March, 2026 in CRM (NDPS) No.14 of 2026 in connection with the similar police station case whereby the Co-Ordinate Bench of this Court had refused to grant the prayer for bail since the petitioner therein was unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

4. The Learned Advocate representing the State further submitted the presence of call details record between the petitioner and other co-accused persons notified in the case diary being in contact with each other constituting conspiracy. Admittedly, no narcotic substance had been recovered from the possession of the present petitioner and he had been arrested on the basis of the statements of the co-accused persons which is contrary to the admissibility of such statement. The SFSL report as per page 136 and 137 of the case diary has been submitted and the charge has also been filed. Since the co-accused persons have been released on bail considering the period of detention and the present accused person being similarly circumstanced as he had been arrested on the same date as the other co-accused persons already released on bail, this Court is inclined to release the present petitioner on bail.

5. Accordingly, the present petitioner namely **Lakhindra Roy @ Ray** shall furnish bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties of the like amount each, one of whom must be local to the satisfaction of the Learned Special Judge (NDPS) Court, Siliguri.
6. The petitioner shall be physically present on each and every date fixed before the Learned Trial Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall submit his address where he would be residing to the Learned Trial Court along with his mobile number not be changed without prior permission of the Learned Trial Court. On further condition, the petitioner shall meet the Officer-in-Charge of the concerned Police Station once in a fortnight until further orders.
7. Accordingly, CRM (NDPS) 554 of 2026 stands allowed and disposed of.
8. All parties shall act in terms of the server copy of the order downloaded from the official website of this Court.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ananya Bandyopadhyay, J.)