07.10.2026
Sl. No.17.
Mithun
Ct no. 5
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 536 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No.389 of 2025 arising out of NJP GRPS Case No.46 of 2025 dated 05.06.2025 under Sections 8(c)/20(c)/29 of the NDPS Act, 1985 read with Sections 303(2)/317(4)(5)/61(2) of the BNS, 2023 now pending before learned Additional Sessions Judge, Special Court (under NDPS Act), 1st Court, Jalpaiguri.

And

In the matter of : **Sachin**

.... Petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Lohani,
Mr. Sandipan Das,
Mr. Ranjit Singh

...for the Petitioner

Mr. Avrojyoti Das, Ld.APP,
Mr. Bijoy Bikram Das,
Mr. Shyamal Barman

...for the State

The petitioner has preferred this application seeking bail where it is alleged that the petitioner is involved with the offence punishable under Sections 20(c)/29 of the NDPS Act along with other provisions under the BNS.

The gist of the FIR is that on 05.06.2025, acting on source information, NJP GRP detained a high-capacity parcel van (Azara to Nuzvid) and allegedly recovered 75 kgs of suspected Ganja concealed inside betel nut sacks.

The petitioner submits that he is completely innocent but has been falsely implicated and that he has no nexus or

connection whatsoever with the alleged offence, recovery or transportation of contraband. The petitioner is also not FIR named and his name surfaced after two and half months from the alleged recovery.

It is further submitted on behalf of the petitioner that he had absolutely no knowledge, control, superintendence or awareness regarding the inner contents of sealed cargo packages as the contraband in question was kept in a pre-sealed containers. Petitioner is an operational employee whose job merely to execute logistics documentation and paperworks and, as such, it is practically impossible for the petitioner to know what concealed inside sealed packages. Therefore, the allegation of conscious possession to attract Section 20 of the NDPS Act is completely absent in respect of the present petitioner and therefore he may be released on bail on any terms and conditions.

Learned Counsel on behalf of the State vehemently opposed the bail prayer contending that sufficient incriminating materials have been collected during investigation and the petitioner's mobile tower location was also found near the place of occurrence at the time of incident. He further contended that the bail prayer of the petitioner was rejected by this High Court on 30th June, 2026 in connection with CRM(NDPS)329 of 2026 and no new circumstances arisen for further consideration of his bail prayer.

Having heard learned Counsel appearing on behalf of the petitioner, it appears that while a Coordinate Bench of this Court rejected his bail prayer on 30th June, 2026 was made a prima facie observation that the petitioner was responsible for loading the articles in the van and the contraband articles comes within commercial quantity and this Court was further pleased to observe that the allegations against the petitioner attracts the rigors of Section 37 of the NDPS Act, 1985. I do not find any new circumstances which may lead me to come to a conclusion that the rigors of Section 37 of the NDPS Act has got no application in the present context. Therefore, the prayer for bail made by the petitioner is rejected.

However, it appears that the charge sheet was submitted on 13th February, 2026 and thereafter few dates have been fixed for charge hearing, which has not yet been conducted by the Trial Court.

In such view of the matter, the Trial Court is requested to expedite the charge hearing and to make his best effort to conclude the charge hearing, preferably within a period of three (3) months from the next date of hearing.

Accordingly, **CRM (NDPS) 536 of 2026** is **disposed of.**

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

(Dr. Ajoy Kumar Mukherjee, J.)