

27.03.2026
Item No.2
Court No.7
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(NDPS) 418 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023; in connection with New Jalpaiguri, GRPS, Siliguri, CRPS under Siliguri GRP, West Bengal P.S. Case No.84 of 2024 dated 24/10/2024 under Sections 8(c)/20(b)/(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Ganesh Das**

..... petitioner

Mr. Abhijit Sarkar, Advocate

...for the State

1. None appears for the petitioner.
2. Petitioner before Court was granted interim bail by the coordinate Bench on December 19, 2025.
3. Interim bail proceeded on the basis that, a co-accused was on bail.
4. Records demonstrate that, one co-accused was granted anticipatory bail on the ground that, nothing was recovered from such co-accused and that, such co-accused was sought to be implicated on the basis of the statement of the accused made while in custody. Such anticipatory bail was granted in C.R.M. (A) 519 of 2025 on September 2, 2025.

5. Commercial quantity of contraband within the meaning of the NDPS Act, 1985 was recovered from the joint possession of the petitioner.
6. Prayer for bail of the petitioner stood rejected by another coordinate Bench on June 17, 2025 passed in CRM(NDPS) 209 of 2025.
7. Interim bail was granted by the coordinate Bench to the petitioner without alluding to Section 37 of the Act of 1985.
8. Adherence to Section 37 of the Act of 1985 *sine quo non* in the matter of consideration of an application of either bail or pre-arrest bail as the case may be when commercial quantity of contraband within the meaning of the Act of 1985 is involved.
9. One of the grounds canvassed before the coordinate Bench when, interim bail was granted, was, non-communication of the grounds of arrest to the petitioner.
10. Apparently, State accepted such position.
11. Today, learned advocate for the State submits that, grounds of arrest were furnished to the petitioner at the time of arrest.
12. In response to a query of the Court, learned advocate for the State submits that, despite he communicating a request to the Additional Public Prosecutor that appropriate steps of either filing of a Special Leave

Petition or an application for cancellation should be made, no steps were taken.

13. In view of such position being taken by the State, learned Legal Remembrancer will seek a report both from the Additional Public Prosecutor as also from the learned advocate appearing for the State on this point. He will take appropriate measures on receipt of such report.
14. Case diary depicts that, there is a writing dated October 24, 2024 which states that, the reasons for the arrest were intimated to the petitioner. Memo of arrest is on record.
15. In such circumstances, since the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985, I am not minded to extend the interim bail already granted. The prayer for bail is there, stands rejected on the touchstone of a failure to overcome the restrictions under Section 37 of the NDPS Act, 1985.
16. Petitioner will surrender at once. In default, State and the jurisdictional Court will take appropriate measures.
17. **C.R.M.(NDPS) 418 of 2025** stands **disposed of**.

(Debangsu Basak, J.)

