

25.03.2026
Item No.13
Court No.7
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(NDPS) 551 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023; in connection with Bhaktinagar Police Station Case No.742/25 dated 27.07.2025 under Sections 21(C)/22(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
And

In the matter of : **Diwash Chhetri**

..... petitioner

Mr. Debajit Kundu, Advocate

...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Biswarup Roy, Advocate

...for the State

1. Petitioner is in custody for about 210 days.
2. Petitioner claims to be student and not connected with the seized contraband.
3. Commercial quantity of contraband under the Act of 1985 was seized from a scooty. Petitioner was one of the rider of such scooty. Conscious possession of the petitioner over the seized commercial quantity of contraband cannot be discounted at this stage.
4. Petitioner canvasses the ground of no FSL report being submitted along with charge sheet.
5. Non submission of FSL report along with charge-sheet is not fatal to the case of the prosecution. The prosecution nonetheless, can establish at the trial that the seized

contraband was governed by the Act of 1985 at the trial. In any event, initial test is conducted in order to affirm whether the seized article is a contraband within the meaning of the Act of 1985 or in the present case the same was done.

6. Therefore, the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. Prayer for bail of the petitioner is rejected.
8. **CRM (NDPS) 551 of 2025 is dismissed.**

(Debangsu Basak, J.)