

February 11, 2026

29 ARDR
Allowed

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

CRM (NDPS) 552 of 2025

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Mathabhanga**
Police Station case no. **124** of **2025** dated **20/2/2025** under
Sections **20(b)/(c)/29** of the NDPS Act.

And

In Re : **Sadhan Biswas**

... Petitioner

Adv. Sourav Ganguly,
Adv. Rishita Chakraborty,

... for the Petitioner.

Adv. Abhijit Sarkar,
Adv. Sagnik Sankar Sikdar,

...for the State.

Learned counsel for the petitioner submits that the petitioner
is in custody for more than three hundred days. Trial has
commenced. There are several contradictions/discrepancies in the
version of the witnesses examined so far. The seizure was done
before arrival of the learned Executive Magistrate and the seizure
was not videographed in accordance with law. Learned counsel
alleges violation of Section 42 of the NDPS Act.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It prima facie appears from the evidence of witnesses including
the defacto complainant that the witnesses have made contradictory
statements. Presence of the learned Executive Magistrate at the time
of seizure and videograph of the said seizure are not found in the

evidence led by the witnesses. The Case Diary does not reflect compliance of Section 42 of the NDPS Act.

In view of the above, this Court is inclined to hold that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sadhan Biswas be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom should be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court (NDPS), Cooch Behar subject to condition that he shall remain within the jurisdiction of the learned trial Court and shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)