

February 16, 2026

36 ARDR
Allowed

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

CRM (NDPS) 563 of 2025

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Falakata** Police
Station case no. **139** of **2025** dated **19/3/2025** under Sections
20(b)(ii) (C)/25/29 of the NDPS Act.

And

In Re : **Najima Bewa**

... Petitioner

Adv. Anirban Banerjee,

... for the Petitioner.

Adv. Kallol Acharjee,

Adv. Biswarup Roy,

...for the State.

The petitioner is in custody for more than 300 days and prays
for bail primarily on the ground that grounds of arrest were not
communicated to her at the time of her arrest. Also, search and
seizure were not videographed.

Learned counsel for the State opposes the prayer.

It is not dispute that grounds of arrest were not
communicated to the petitioner at the time of her arrest in
compliance with the mandate laid down by the Hon'ble Supreme
Court in various authorities. Also, there is no endorsement in the
Case Diary to the effect that search and seizure were videographed.

It is a fact that contraband substance of commercial quantity
has been recovered from a bus in which the petitioner was travelling.
In view of non compliance with the mandate laid down by the

Hon'ble Supreme Court, the petitioner is entitled to be released on bail.

The petitioner namely Najima Bewa 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 Judge Special Court (NDPS), Alipurduar subject to condition that she shall reside within the jurisdiction of the learned trial Court and shall furnish the address where she shall presently reside before the learned trial Court, Investigating officer and the Officer in charge of the police station under who jurisdiction she shall henceforth reside. The petitioner shall appear before the learned trial Court on every date of hearing and 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 her bail in accordance with law without further reference to this Court.

CRM (NDPS) 563 of 2025 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.)