

11.02.2026

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jb.

jdt.

Allowed

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

C.R.M. (NDPS) 595 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Pradhan
Nagar Police Station Case No. 809 of 2024 dated 19.12.2024
under Sections 21(c)/22(c) and 29 of the Narcotic Drugs and
Psychotropic Substances Act.

And

In Re : Samir Biswas

Mr. Mayank Roy

... For the Petitioner.

Mr. Saikat Chatterjee

Mr. Chatu Roy

... For the State

Heard learned counsels for the parties.

The petitioner is in custody for more than 400 days and
prays for bail primarily on the ground that grounds of arrest have
not been communicated to him at the time of his arrest. Learned
counsel for the petitioner places reliance on various judgments of
the Hon'ble Supreme Court including a recent judgment in
Criminal Appeal no. 2195 of 2025 with Criminal Appeal no. 2189
of 2025 with Criminal Appeal no. 2190 of 2025 and S.L.P. (CRL.)
No. 8704 of 2025 dated 6th November, 2025 in support of his
contention.

Learned counsel for the State vehemently opposes the
prayer.

It is a fact that contraband substance of commercial quantity has been recovered from the petitioner. However, the Hon'ble Supreme Court has in no uncertain terms observed that the constitutional obligation under Article 22 is not statute-specific and it is grounded in fundamental right of life and personal liberty under Article 21 of the Constitution of India, therefore making it applicable to all offences including those under the IPC 1860. The Hon'ble Court has observed that in absence of supply of ground of arrest to the arrestee, the arrest shall be rendered illegal entitling release of the arrestee.

In view of the above, this Court is inclined to release the petitioner on bail solely on the touchstone of Article 21 and Article 22 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Samir Biswas shall 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 must be local, to the satisfaction of the learned Additional District and Sessions Judge (NDPS), Siliguri 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 fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)