

16.02.2026
Item No.49
Ct.No.6
b.das
Allowed

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

C.R.M. (NDPS) 596 of 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj PS Case No.489 of 2025 dated 23.08.2025 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : **Tapas Roy**

... Petitioner

Mr. Joydep Kanta Bhowmik

Ms. Amita Patodia

Mr. S. Bhowmik

Mr. Subham Kumar

Ms. Debi Sarkar

... for the Petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das

... for the State

The petitioner is in custody for more than 100 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 State opposes the prayer.

I have considered the material on record.

It appears that grounds of arrest have not been communicated to the petitioner at the time of his arrest in

compliance with the mandate laid down by Hon'ble Supreme Court of India in several authorities.

In view of the above, this Court is inclined to hold that the petitioner is entitled to be released on bail solely on the touchstone of Article 21 and 22 of the Constitution of India, without going into the merits of the case. Statutory restriction laid down under Section 37 of the NDPS Act is mitigated by the said non compliance.

Accordingly prayer for bail is allowed.

The petitioner Tapas Roy 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 Sessions Judge, 1st Court NDPS Act, Cooch Behar subject to condition that he shall remain within the jurisdiction of 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 comply with any of the conditions mentioned 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 being CRM 596 of 2025 is, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)