

20.02.2026

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jb.

jdt.

Allowed

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

C.R.M. (NDPS) 599 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Kalinpong Police Station Case No. 6 of 2025 dated 14.01.2025
under Sections 22(c) and 29 of the Narcotic Drugs and
Psychotropic Substances Act.

And

In Re : Ganesh Thapa

Mr. Subham Ghosh

Mr. Mayank Roy

Ms. Priyasha Jha

... For the Petitioner.

Mr. Nilay Chakraborty

Mr. Saikat Chatterjee

... For the State

The petitioner prays for bail on two fold counts.

First, grounds of arrest have not been communicated to
him at the time of his arrest. Second, the seizure list does not
reflect the weight of the articles seized from him.

Learned counsel for the petitioner submits that winspasmo
forte capsules seized from the petitioner may be of 10 mg., 30 mg.
or 325 mg. Seizure list does not contain the said specifications.

Learned counsel for the State submits that the investigating
officer is not able to provide an explanation for the same or assess
the contents/powers of the seized capsules.

It is also not in dispute that grounds of arrest have not been provided to the petitioner at the time of his arrest.

In view thereof, this Court is inclined to hold that the rigours of Section 37 of the NDPS act gets diluted and the petitioner is entitled to be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Ganesh Thapa 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 Special Judge (NDPS), Kalimpong 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.

CRM (NDPS) 599 of 2025 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.)