

16.03.2026
Item No.22
Court No.7
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(NDPS) 659 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973; in connection with NDPS Case No. 242 of 2025 arising out of Jaigaon Police Station Case Number 187 of 2025, dated 10.08.2025 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Bidhan Biswas & Anr.**

..... petitioners

Mr. Arijit Ghosh, Advocate
...for the petitioners

Mr. Abhijit Sarkar, Advocate
Mr. Tapan Bhattacharjee, Advocate
...for the State

1. Petitioners seek bail.
2. Learned advocate appearing for the petitioners submits that, there is minor child as well as another child who is 70% physically disabled. Purely on humanitarian ground he seeks bail. At least the wife may be enlarged on bail.
3. Learned advocate appearing for the State submits that, 325 bottles of cough syrup in the schedule of NDPS Act, 1985 were seized from the joint possession of the petitioners.
4. A Court exercising power to grant bail, in respect of a criminal case involving the Act of 1985 is required to take

into consideration Section 37 of the Act of 1985. Petitioners are required to overcome the restrictions under Section 37 of the Act of 1985. Section 37 of the Act of 1985 is mandatory in nature.

5. In the facts and circumstances of the present case, petitioners are in custody of slightly 218 days. However, the commercial quantity of narcotics were seized from the joint possession. Period of detention in juxtaposition to the gravity of the offence does not inspire confidence in involving Article 21 of the Constitution of India in granting bail to the petitioners.
6. In such circumstances, in my view, petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. Prayer for bail is rejected.
8. **CRM (NDPS) 659 of 2025 is dismissed.**

(Debangsu Basak, J.)