

16.02.2026

100

jb.

jdt.

Allowed

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

C.R.M. (NDPS) 662 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Matigara
Police Station Case No. 387 of 2025 dated 12.06.2025 under
Section 21(c) of the Narcotic Drugs and Psychotropic Substances
Act.

And

In Re : Md. Hasanul

Mr. Subham Ghosh

Mr. Mayank Roy

Hasanur Rahaman

... For the Petitioner.

Mr. Nilay Chakraborty

Mr. Kallol Acharjee

Mr. Chattu Roy

... For the State

Heard learned counsels for the parties.

The petitioner prays for bail primarily on the ground
that grounds of arrest have not been communicated to him at
the time of 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 opposes the prayer.

True, contraband substance exceeding commercial quantity has been recovered from the petitioner. However, it is crystal clear from the case diary that the mandate laid down by the Hon'ble Supreme Court indicating constitutional obligation under Article 22 of the Constitution of India has not been complied with. The Hon'ble Supreme Court has observed that in absence of supply of grounds of arrest to the arrestee, the arrest shall be rendered illegal and the petitioner shall be released on bail at once.

In view of the above, the prayer for bail is allowed solely on the touchstone of Articles 21 and 22 of the Constitution of India

The petitioner namely Md. Hasanul 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 Judge, Special Court (NDPS), 2nd Court in charge, 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.

CRM (NDPS) 662 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.)