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

25.11.2026
Ct No.5
Item No.23
PA

CRM (NDPS) 739 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023.

And

Allowed

In Re: Pratap Bandya

...Petitioner

Ms. Madhushri Dutta, Adv.

...for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Ms. Ruchika Agarwala, Adv.

...for the State

1. The Learned Advocate representing the petitioner submitted the petitioner to have been falsely implicated on the basis of the statement of a co-accused person in absence of any narcotic substance or contraband article being recovered from the possession of the petitioner or at his instance relying upon the observation of this Court dated 20.11.2026 in CRM (NDPS) 694 of 2026 and an observation of the Co-ordinate Bench of this Court dated November 23, 2026 in CRM (A) 802 of 2026, seeks for enlarging the petitioner on bail.
2. The Learned Advocate representing the State conceded to the fact of the petitioner being implicated at the instance of the co-accused's statement and no recovery of contraband articles from

the possession of the petitioner was achieved, however, urged on the violation on the part of the petitioner to disclose criminal antecedents being involved in a criminal case registered vide Malbazar Police Station Case No.308 of 2025 dated 24.06.2025 under Sections 310(4)/310(5) of the BNS read with Sections 25/27 of the Arms Act and relied on the decisions of the Hon'ble Supreme Court in ***2025 LiveLaw (SC) 389*** at Paragraph No.9 and 11. He further relied on Paragraph Nos. 10, 11 and 12 of the decision of the Hon'ble Supreme Court in ***2026 LiveLaw (SC) 1191*** and Paragraph No.49(D) of the decision in ***2026 SCC OnLine SC 188***.

3. Evidently, the petitioner had not declared the criminal antecedents in compliance with the Hon'ble Supreme Court directions in the decision cited in ***2026 SCC OnLine SC 188***.
4. The present case involves non-disclosure, however, the material distinction in the present case is the petitioner to have been admittedly arrested on the statement of the co-accused person being an inadmissible proposition in law. Moreover, there was no recovery of contraband articles from the possession of the petitioner. The earlier antecedent reflected implication in charge of preparation of dacoity which should have been mentioned by the Learned Advocate representing the petitioner while drafting the application seeking for grant of prayer for bail the petitioner being in custody.
5. The petitioner, having been able to rebut the restrictions under Section 37 of the NDPS Act, is entitled to be released on bail.

6. Accordingly, the present petitioner namely **Pratap Bandya** shall furnish bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties of the like amount each, one of whom must be local to the satisfaction of the Learned Judge Special Court (NDPS) 1st Court, Jalpaiguri.
7. The petitioner shall be physically present on each and every date fixed before the Learned Trial Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall submit his address where he would be residing to the Learned Trial Court along with his mobile number not be changed without prior permission of the Learned Trial Court. On further condition, the petitioner shall meet the Officer-in-Charge of the concerned Police Station once in a fortnight until further orders and he shall not leave the jurisdiction of the aforesaid police station.
8. Accordingly, CRM (NDPS) 739 of 2026 stands allowed and disposed of.
9. All parties shall act in terms of the server copy of the order downloaded from the official website of this Court.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ananya Bandyopadhyay, J.)