

25.03.2026
Serial no. 48
[Dd]

***IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI***

CRM(NDPS)/53/2026

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **CR(NDPS) Case No. 67/2025** arising out of **Matigara** Police Station Case No. **324** of **2025** dated **20.05.2025** under Sections **21(c)/25** of the NDPS Act, 1985.

-And-

In the matter of : ABDUL RAUF MOMIN

... ..Petitioner

*Mr. Hillol Saha Podder , Advocate
... .. For the Petitioner*

*Mr. Joyjit Choudhury, Ld. AAG,
Mr. Aniruddha Biswas, Advocate
... ..For the State*

1. Two reports submitted in Court be taken on records. One report is by the Commissioner of Police, Siliguri Commissionerate dated March 25, 2026 and the other by the learned Legal Remembrancer dated March 24, 2026.
2. Learned Additional Advocate General submits that, in terms of the order dated March 17, 2026, earnest investigations were initiated at the behest of the police. On such investigations being made, it was found out that at least 126 bail applications were allowed on the ground of alleged non-compliance of Section 42 of the NDPS Act, 1985 for the alleged non-communication of the grounds of arrest. He submits that, so far as the present police case is concerned, on investigations, police found that, the original case diary contains grounds of arrest. Police investigated further and found out that, in another police case relating to the same Investigating Officer, three persons were enlarged on bail

on the ground of alleged non-communication of the grounds of arrest, while case diary in such police case also contains the grounds of arrest.

3. Learned Additional Advocate General submits that, in view of the ensuing State Assembly Elections, the police authorities are tied up in the various duties. He seeks time to take the matter forward and complete the investigations in the correct perspective. He submits that, appropriate steps will be taken.
4. In response to a query of the Court as to whether, State Government proposes to undertake a similar exercise in respect of the other police station in the North Bengal which falls within the jurisdiction of Circuit Bench or not, he submits that, should the Court direct it to be done, the same exercise will be under taken.
5. Experience of Court is that, orders granting bails are passed on the basis of alleged non-communication of the grounds of arrest.
6. It would be in the interest of justice that the State undertakes a similar exercise in respect of the other police stations which comes within the jurisdiction of the Circuit Bench apart from the one within the Commissionerate of Siliguri. Consequently, the Inspector General of Police, North Bengal, is requested to undertake a similar exercise.
7. List the application on **March 27, 2026**.

(Debangsu Basak, J.)