

19.05.2026
Item No. 15
Ct. No.4
(D. Hira)

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

CRM (NDPS) 177 of 2026

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), corresponding to Section 439 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 268 of 2025 dated 25.05.2025 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : **Hasan Ali**
.....Petitioner

Mr. Prajnadeepta Roy,
Mr. Sabir Ali,
Mr. Jaimallya Bhattacharyya.
... for the petitioner

Mr. Nilay Chakraborty, Id. APP.,
... for the State

1. The petitioner has moved this Court for regular bail for the first time in connection with Dinhata P.S. Case No. 268 of 2025 dated 25.05.2025, registered under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). The matter is currently pending before the Learned Additional District & Sessions Judge, 1st Court

(NDPS), Sadar, Cooch Behar, as NDPS Case No. 140 of 2025.

2. The procedural history reveals that the petitioner's prior bail application before this Court, designated as C.R.M. (NDPS) No. 357 of 2025, was dismissed as withdrawn by a Coordinate Bench on 03.11.2025. Subsequently, his prayer for regular bail was rejected by the Learned Trial Court on 07.01.2026.
3. The factual matrix of the prosecution's case, as appears from the documents on record, is that on 24.05.2025, at approximately 22:25 hours, S.I. Anoj Lakra of Dinhata Police Station received credible source information regarding the illicit transportation of a massive quantity of Ganja. After recording the necessary statutory entries and obtaining required administrative permissions, a police team established a Naka checkpoint at Singijani Banshtola at midnight.
4. At 01:25 hours on 25.05.2025, the police team intercepted a silver coloured Maruti Swift Dzire bearing Registration No. WB 74-N-3934. The petitioner was found alone at the steering wheel of the intercepted vehicle. A notice under Section 50 of the NDPS Act was duly served upon him. Due to the late-night hours, the presence of an Executive Magistrate

could not be secured on short notice; however, the Inspector-in-Charge of Dinhata Police Station arrived at the spot to act as the designated Gazetted Officer to supervise the operation.

5. A subsequent search of the vehicle's boot, conducted in the presence of independent public witnesses, uncovered two large yellow plastic bags containing a total of 44.015 kgs of Ganja. The entire search and seizure operation was executed between 02:15 hours and 02:41 hours under strict audio-video documentation. Investigation in the matter is complete, and Charge-sheet No. 535 of 2025 was formally submitted on 20.11.2025 along with the final forensic laboratory report.
6. The Learned Counsel for the petitioner submits that the petitioner has undergone continuous custodial detention for over 355 days, and the trial has failed to make any meaningful progress and the mandatory grounds of arrest were not formally communicated to the petitioner, thereby resulting in a gross violation of the fundamental constitutional and statutory protections governing arrest documentation.
7. Mr. Nilay Chakraborty, the Learned Public Prosecutor, counters by placing the original arrest memo before

this Court, demonstrating that all mandatory statutory safeguards and disclosures regarding the grounds of arrest were fully complied with at the time of apprehension and that a massive commercial quantity of Ganja was recovered directly from the vehicle driven by the petitioner. Given that the quantity far exceeds the statutory commercial threshold, the strict embargo of Section 37 of the NDPS Act is squarely attracted. He further submits that the investigation has culminated in the filing of a comprehensive charge-sheet backed by conclusive forensic laboratory findings.

8. I have carefully considered the materials in the case diary and analyzed the adversarial arguments presented by both sides against the strict statutory framework governing anti-narcotics legislation.
9. The records establish that the petitioner was apprehended *in flagrante delicto* as the sole driver and occupant of the transit vehicle. A heavy commercial haul of 44.015 kgs of Ganja concealed within the boot of a vehicle cannot be transported without the conscious knowledge, control, and command of its driver. This recovery directly triggers the statutory presumptions of culpable mental state and guilt against the accused.

10. Consequently, the restrictive embargo of Section 37(1)(b) of the NDPS Act applies with full force. To overcome the statutory bar of Section 37, there must be clear, cogent, and convincing material on record pointing towards the prima facie innocence of the accused. No such material exists in the present case. The petitioner was caught red-handed transporting a massive commercial supply of contraband. This Court cannot form a reasonable belief in favor of the petitioner's innocence when the physical and circumstantial evidence points heavily to the contrary.

11. Accordingly, the application for regular bail in C.R.M. (NDPS) No. 177 of 2026 stands rejected.

12. However, noting that the case is already fixed for consideration of charges, the Learned Trial Court is directed to conclude the framing of charges expeditiously. The Trial Court shall take immediate steps to fast-track the trial, ensuring the continuous examination of witnesses without granting unnecessary delays or routine adjournments to either party.

13. All parties shall act on the server copies of this order downloaded from the official website of this Court.

14. An urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite legal formalities.

(Uday Kumar, J.)