

11.06.2026
Court No.4
Item No.12
AP/BP

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

CRM (NDPS) 283 of 2026

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 **STF
Siliguri** Police Station Case No.**06 of 2025** dated **16.10.2025**
under Sections **22(c)/29** of the NDPS Act.

And

In the matter of: **Farida Khatun**

....Petitioner.

Mr. Nilay Chakraborty
Mr. Sourav Lohani

...For the Petitioner.

Mr. Jagriti Mishra, AAAG
Ms. Madhushri Dutta

...For the State.

1. Learned counsel representing the petitioner, during his
exhaustive submission, has stated that videography of the search
and seizure did not take place which is vital under the Narcotic
Drugs and Psychotropic Substances Act. He has further submitted
that Section 52A(2) of the said Act has also not been complied.

2. Learned counsel for the petitioner has further submitted that
there has not been presence of two independent witnesses. In
addition to the above, learned counsel has submitted that the
ground of arrest has not been explained. He has further submitted
that the Gazetted Officer had not seen the search and seizure of the
recovered substances.

3. Learned counsel has further submitted that on test by the raiding team, the substance came to be Amphetamine whereas after Forensic Science Laboratory report, it transpired that the substance is Methamphetamine. Relying upon this issue, learned counsel has sought for bail of the petitioner.

4. Learned Assistant Additional Advocate General during his submission has submitted that Section 52A has been complied and the inventory list of seized substances under the Narcotic Drugs and Psychotropic Substances Act will reveal the same. He has further relied upon the FIR to clarify the fact as regards to non-videography and has time and again stressed upon the point that the substances seized have been recovered from inside the wearing apparels of the accused persons. As such, videography could not be done for that period of search, to maintain the decency and privacy of the individuals.

5. As regards the substance, learned counsel has submitted that Methamphetamine and Amphetamine are identical in colour and characteristic. He has further submitted that on test made by the raiding party with the help of portable testing kit it had revealed to them. Banking upon the aforesaid facts, the learned Assistant Additional Advocate General has prayed for rejection of the prayer for bail.

6. Taking into consideration the submissions of the learned counsels of both the sides and on perusal of the case record, specifically the FIR, the seizure lists, memo of arrest and the report

of Forensic Science Laboratory and the charge sheet, this Court is of the view that non-compliance of Section 52A(2) is not a ground for granting bail. In this regard, this Court relies upon a judgment of the Hon'ble Apex Court in the case of ***Narcotics Control Bureau Vs. Kashif*** reported in **(2024) 11 SCC 372**.

7. As regards to videography, the circumstance in which search and seizure took place and wherefrom the articles were recovered from the accused petitioner, this Court is of the view that to maintain decency and privacy it was not possible to have videography at the relevant point of time. As regards to search and seizure, a lady PSI had conducted the same. As regards to the substances those being identical in nature cannot be said to help the petitioner at this relevant point of time.

8. Considering the quantity of the substance and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. The application for bail is thus rejected.

10. The case diary is returned to the learned Assistant Additional Advocate General in Court today.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)