

27.07.2026
Item No.25
Court No.9
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M. (NDPS) 378 of 2026

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with NDPS Case No.51 of 2025 arising out of Kotwali Police Station Case No. 241/2025 dated 08.03.2025 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Basanti Mandal & Anr.**

..... petitioners

Mr. Sourav Ganguly, Advocate
Ms. Rishita Chakraborty, Advocate
...for the petitioners

Mr. Avrojoyti Das, Ld. A.P.P.
Ms. Rajyashree Ghosh, Advocate
...for the Sate

1. Prayer for bail of the petitioners is taken up for consideration.
2. It is submitted by the learned advocate for the petitioners that a huge quantity of narcotic substance appearing to be like Ganja were recovered from the house belonging to the husband of petitioner no.1. There are several persons in that house. They were engaged in segregating and packaging narcotic materials. Seeing the police, they allegedly fled away. Out of them, one person, apparently petitioner no.2, was apprehended.
3. Learned advocate for the petitioners specifically submits that as per the certification done by learned Magistrate,

dried leaf and branch like substances identified by the Investigating Officer as Ganja plant were allegedly seized, sealed and leveled in different packets. The aforesaid packets were sent for chemical examination after an inventory was made by learned Magistrate. The inventory prepared by learned Magistrate states that dried leaves and branches like substance, identified as Ganja, were inventorized by learned Magistrate. However, chemical examination report goes to show that the Forensic Science Laboratory went to examine greenish brown coloured dried and shredded vegetative flowering and fruiting materials appeared to be branch-tops of plant bearing characteristics smell like of Cannabis.

4. Learned advocate for the petitioners disputed such report. It is submitted that the articles sent for chemical examination was not examined by the Forensic Science Laboratory and the report refers to some other materials which were never recovered from the possession of the petitioners. Learned advocate for the petitioners also refers to the definition of Ganja contained in Section 2(iii)(b) of the NDPS Act, 1985. The inventory prepared by learned Magistrate does not speak of flowering of fruit tops whereas the Forensic Science Laboratory has examined such materials and submitted its report. In support of his contention, learned advocate for the petitioners relies on an order passed on February 11,

2026 in **CRM (NDPS) 602 of 2025 (In Re: Shakti Nath Bhowmik @ Sakti Nath Bhowmik & Ors.)** where, in the similar circumstances petitioners therein were granted bail by this Court.

5. Learned advocate for the petitioners also submits that so far as petitioner no.1 is concerned, she happens to be the second wife of the person who owned the premises wherefrom the alleged recovery of narcotics drugs were made. The first wife was also apprehended and was granted anticipatory bail by an order passed on January 13, 2026 in CRM(A) 14 of 2026.
6. Learned advocate for the petitioner prays for being released on bail.
7. Learned advocate for the State refers to various materials in the Case Diary and submits that the sample and inventory of the seized articles were made by learned Magistrate and the entire process was videographed. He further submits that the petitioners were present when search and seizure of the contraband were made and the petitioners put their signatures on the seizure list. They cannot deny the seizure of contraband articles. She opposes the prayer for bail.
8. It appears that 252 kgs. of Ganja were recovered from the house belonging to the husband of the petitioner no.1. Other persons were engaged in segregating and packaging of contraband articles in such house. Seeing the police

party, the aforesaid persons tried to flee away and one of them was apprehended by the police i.e. petitioner no.2. Petitioners were apprehended with the contraband articles which were seized, sealed and labelled in presence of the petitioners and they put their signatures on the seizure list. Later on, inventory was made of the articles seized and the entire process was videographed. Samples were collected and sent for chemical examination.

9. Dispute has been raised by the learned advocate for the petitioners that the samples sent for chemical examination and that examined by the chemical examiner were not the same. According to the learned advocate for the petitioners, the sample did not contain the flowering and fruit-top of the plant whereas report of the chemical examiner does mention of such parts. Articles were seized from the house belonging to the husband of petitioner no.1. The raiding party seized as many as 15 plastic packets of contraband articles which were brought to the police station and thereafter an inventory was made.

10. In ***Shakti Nath Bhowmik @ Sakti Nath Bhowmik*** (supra), it was observed that description of the articles seized and sent for analysis was greenish brown coloured dried and shredded vegetative flowering and fruiting material appearing to be branch-tops of plant bearing characteristics smell like that of Cannabis whereas after

the inventory was being made in terms of Section 52A(3) of the NDPS Act, packets sent for analysis contained dried leaf and branch like substance identified as Ganja. On such ground, petitioners therein were granted bail.

11. In the present case, there were as many as 15 packets of contraband articles seized from the possession of the petitioners. Said articles were sent for chemical examination. The dispute as to the fact that the report did not relate to the articles which were sent for chemical examination may be decided at the trial.

12. In the aforesaid facts and circumstances, I am not in a position to return a finding that petitioners have been able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

13. Consequently, the prayer for bail of the petitioners is rejected.

14. CRM(NDPS) 378 of 2026 is **dismissed**.

(Md. Shabbar Rashidi, J.)