



INDIAN INSTITUTE OF LEGAL STUDIES COOCH BEHAR

Affiliated to the Cooch Behar Panchanan Barma University
Recognized by the Bar Council of India, New Delhi

Ref: IILSCOB/ME & IC/72/185

Date: 30.04.2026

NOTICE

This communication is to all the students of the present semester B.A., LL.B. (H) and LL.B. of Indian Institute of Legal Studies Cooch Behar, that our institute is going to organise the 7th Intra College Moot Court Competition, 2026 to be held between May and June, 2026 (tentatively) at our college campus. The said competition is mandatory for the students of LL.B. Semester- IV & VI and B.A. LLB (H) Semester- VIII, IX & X.

The detailed information brochure of the said competition is hereby attached below in Annexure A

All the concerned students are instructed to take note of it and act accordingly

Moot Court Committee:

- Dr. Jayati Kharga, Principal-in-Charge (Convener)
- Dr. Sachin Singh, Assistant Professor of Law (Co-Convener)
- Mr. Kushal Sharma, Assistant Professor of Law (Co-Convener)
- Mr. Soumyajit Mukherjee, Assistant Professor of Law (Co-Convener)
- Mr. Rohit Tamang, Assistant Professor of Law (Co-Convener)



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INDIAN INSTITUTE OF LEGAL STUDIES COOCH BEHAR 7TH INTRA COLLEGE MOOT COURT COMPETITION, 2026

Organized by

Moot Court Committee Indian Institute Legal
Studies Cooch Behar

Date of Competition: 29th May, 2026
(Tentative)



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I. ABOUT THE COLLEGE

A region of significant strategic importance has, since 2019, been served by the Indian Institute of Legal Studies, Cooch Behar, in furthering the legacy of quality legal education. Situated at Jagya Narayan Kuthi, P.O. & P.S. Pundibari, Cooch Behar, West Bengal, India – 736165, the institute seeks to empower local communities by fostering legal awareness, access to justice, and academic excellence. It adopts a holistic approach to legal education by integrating rigorous academic training with practical exposure through moot courts, legal aid initiatives, and experiential learning.

The campus is equipped with modern infrastructure, high-tech classrooms, and audio-visual learning tools, ensuring a dynamic and engaging academic environment in accordance with University and Bar Council guidelines. Designed with a student-centric approach, classrooms accommodate 120 students, prioritising comfort and interactive learning. Supported by qualified and dedicated faculty, the institute is committed to nurturing competent, socially responsible, and professionally skilled legal practitioners. It also aspires to serve as a centre for intellectual exchange by organising seminars, workshops, and skill-development programmes, thereby contributing meaningfully to the advancement of legal education and research.

II. ABOUT THE MOOT COURT SOCIETY

Moot Court Society of Indian Institute of Legal Studies Cooch Behar was set up in 2022. The society aims to enhance the litigation skills of the students. Active participation in Moot Court Competition helps a student to develop his/her research skills and also trains them to tackle difficult situations. Till now, the Moot Court Society has organised 1 National Moot Court Competition, 2023 and six Intra Moot Court Competitions and sent/allowed our students to other colleges' institutions/universities to participate in the moot court competition in both offline and online hybrid mode to develop their advocacy and legal argumentative skills by encouraging and motivating the students. We have won the National Moot Court Competition 2024 held at Goalpara Law College, Assam. Recently, we have participated in the 1st Nationwide Moot Court Competition organised by Amritsar Law College on 16th and 17th April, 2026, and we were awarded the prestigious title of Best Mooter.

The Moot Court Society - Indian Institute of Legal Studies Cooch Behar, is constituted with the following members:

- i. Dr. Jayati Kharga, Principal-in-Charge (Convener)
- ii. Dr. Sachin Singh, Assistant Professor of Law (Co-Convener)
- iii. Mr. Kushal Sharma, Assistant Professor of Law (Co-Convener)
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III. ORGANISING COMMITTEE

The Indian Institute of Legal Studies Cooch Behar has constituted an Organising Committee for the 7th Intra-college Moot Court Competition, 2026, scheduled to be held on 28th May, 2026 (tentative). The Committee comprised the following members:

- i. Dr. Jayati Kharga, Principal-in-Charge (Convener)
- ii. Dr. Sachin Singh, Assistant Professor of Law (Co-Convener)
- iii. Mr. Kushal Sharma, Assistant Professor of Law (Co-Convener)
- iv. Mr. Soumyajit Mukherjee, Assistant Professor of Law (Co-Convener)
- v. Mr. Rohit Tamang, Assistant Professor of Law (Co-Convener)

IV. ABOUT THE COMPETITION

Indian Institute of Legal Studies Cooch Behar proposes to organise the 7th Intra-College Moot Court Competition, 2026. Moot Court competitions are simulated court proceedings where participants argue on hypothetical cases. The 7th Intra Moot Court competition aims students to develop and showcase their advocacy, legal research, and oral presentation skills. It further aims to provide valuable practical experience for law students, helping them develop crucial skills such as legal research, writing, oral advocacy, and teamwork. Additionally, participation in moot court can enhance students' curriculum vitae and help them stand out to potential employers in the legal field.

The moot proposition presents a complex constitutional and criminal law dispute before the Supreme Court of Bharatvarsh, centred on the tension between individual autonomy and State regulation of narcotic substances. At its core, the case examines whether the constitutional rights to privacy, personal liberty, and spiritual freedom extend to the voluntary consumption of narcotic drugs within a private residence, despite statutory prohibition under the NDPS Act, 1985.

The dispute arises from the activities of a fringe spiritual sect in Bengal led by Somanand Swami, also known as Babaji. The sect promotes unconventional beliefs centred on "liberation through experience" and advocates a philosophy that rejects traditional social and moral constraints. It claims that spiritual awakening or nirvana can be attained through a "technique of transformation," which includes meditation, sensory practices, and, allegedly, the controlled use of certain substances. These practices, though framed as spiritual, have drawn suspicion from authorities, who view them as a cover for unlawful narcotic consumption.

Mata Shima Devi, an active member of the sect, played a key role in expanding its reach through social media. She established contact with Kushman Sha, a law student interested in philosophy and alternative spiritual practices. Through persistent communication, she introduced him to the sect's ideology and persuaded him to attend its gatherings. Kushman





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eventually visited Devi's residence, where he met Babaji and participated in sessions that blended spiritual discourse with experiential practices.

On 25 June 2024, during one such session, Kushman was offered a brownish-white powder described as the "essence of heaven," which he consumed after initial hesitation and encouragement from Babaji. The act of consumption is central to the case, as it was voluntary, occurred among consenting adults, and took place within the confines of a private home. The petitioners argue that such conduct falls within the protected domain of decisional and bodily privacy.

However, the situation escalated when police, acting on an anonymous tip received two days earlier, conducted a raid at Devi's residence during the ongoing session. The officers discovered the three individuals, along with visible lines of the powder and additional packets found during a search of the premises. Suspecting the substance to be a narcotic, they seized the materials, followed procedural formalities, and arrested the trio under relevant provisions of the NDPS Act, including Section 27, which penalises consumption.

Following their arrest, criminal proceedings were initiated. The prosecution argued that the accused had engaged in unlawful possession and consumption of narcotic substances, and that the private nature of the setting did not exempt them from the operation of the law. In contrast, the petitioners contended that the State had overstepped its authority by intruding into a private residence and criminalising consensual behaviour that caused no direct harm to others. The petitioners subsequently approached the Calcutta High Court, challenging the constitutionality of Section 27 of the NDPS Act and the legality of the search and seizure. They argued that the right to privacy encompasses not only physical space but also intimate personal choices, including decisions relating to one's body, mind, and spiritual practices. According to them, the State cannot regulate such private conduct merely on moral or paternalistic grounds. They also questioned the validity of the police action, emphasising that it was based on an anonymous tip and may not have met the stringent procedural safeguards required under the NDPS Act.

The High Court, however, declined to stay the criminal proceedings, allowing the trial to continue independently of the constitutional challenge. This created a situation where the petitioners faced parallel legal battles, one addressing their criminal liability and the other questioning the validity of the law itself. Aggrieved by this, they approached the Supreme Court through a writ petition, seeking comprehensive adjudication of all issues.

The case raises several significant constitutional questions. First, it examines whether the right to privacy protects conduct that is otherwise criminalised by law, particularly when such conduct occurs within a private residence. Second, it considers whether the State can regulate personal drug consumption in the interest of public health, even when no immediate third-party harm is evident. Third, it questions the legality of the search and seizure, especially when initiated based on anonymous information.

Additionally, the case introduces a religious dimension. The petitioners claim that the consumption of the substance was part of a spiritual practice aimed at achieving enlightenment,

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potentially invoking the constitutional freedom of religion. The State, however, is likely to argue that such claims cannot override a general law enacted to address serious public health concerns and that the alleged practices do not qualify as protected essential religious practices. Ultimately, the proposition highlights a broader constitutional dilemma: the balance between individual liberty and collective welfare. While the petitioners frame the issue as one of personal autonomy and freedom from State intrusion, the State emphasises the societal risks of drug use and the need for strict enforcement of narcotics laws. The case thus serves as a test of the limits of privacy, the scope of criminal law, and the role of the judiciary in reconciling competing constitutional values in a modern democratic society.

V. RULES OF THE COMPETITION

PARTICULARS OF MARKS	MARKS
Knowledge of facts and laws	25
Extent & use of research (research test)	20
Use of authority precedents and interpretation symbol application of facts, laws and procedures	20
Clarity of thoughts, organisation and flow of arguments with original thoughts, theories by using authorities and precedents	15
Memorial, format and citations	10
Advocacy skills, styles, poise, courtesy and response to questions and articulations	10
Total	100

A. TEAM COMPOSITION

- Each team shall consist of three members, comprising two speakers and one researcher.
- Students have to form their own teams. Moot Court Society bears no responsibility for team formation.
- Any request for alteration in the groups will not be entertained after the registration.

B. MEMORIAL SUBMISSION GUIDELINES/RULES

- Memorial submission is mandatory to appear for the oral rounds
- Teams have to prepare memorials for both sides. (Appellant/Petitioner and Respondent/Defendant).
- The memorials have to be submitted on A4-size paper and must contain the following sections.





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COVER PAGE:

- i. TABLE OF CONTENTS
- ii. INDEX OF AUTHORITIES
- iii. STATEMENT OF JURISDICTION
- iv. STATEMENT OF FACTS
- v. STATEMENT OF ISSUES
- vi. SUMMARY OF ARGUMENTS
- vii. ARGUMENTS ADVANCED
- viii. PRAYER

- iv. The memorials must be printed in Times New Roman 12 font size with 1.5-line spacing. The footnotes must be in Times New Roman 10 font size with 1.0 spacing, in ILI Citation format and should contain the Team Code on the cover page (Top-Right Corner)
- v. The Petitioner Complainant/ Appellant's memorial cover page shall be Blue Colour A4 size, and Opponent/Respondent's memorial cover page shall be Red Colour A4 size.





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MOOT COURT EXERCISE — 2026

MOOT PROPOSITION

1. Preamble

The present moot proposition concerns a constitutional and criminal law challenge arising from the alleged private consumption of narcotic substances within a residential home by members of a fringe spiritual sect. At the heart of the dispute lies a difficult question: whether the constitutional right to privacy, personal liberty, and autonomy can extend to conduct involving the voluntary consumption of narcotic drugs in a private setting, especially when such conduct is prohibited by a penal statute enacted in the interest of public health and social welfare.

The facts present a tension between two competing constitutional values. On one side stands the individual's claim to freedom of thought, bodily autonomy, decisional privacy, and liberty of intimate choice. On the other hand, stands the State's obligation to control the spread of narcotic substances, prevent addiction, safeguard public health, and ensure that the law does not become ineffective merely because unlawful conduct takes place inside the home. This matter is further complicated by the invocation of religious belief with the use of social media to form and sustain the alleged spiritual association, and the question of whether a criminal prosecution can proceed while a broader constitutional challenge to the validity of the penal provision remains pending. This proposition is intentionally framed to require participants to examine the constitutional dimensions of privacy, the limits of personal liberty, the scope of the State's regulatory authority, the validity of search and seizure under the NDPS Act, the nature of the cult's spiritual claims, and the extent to which the law should tolerate private conduct that may be morally contested but socially consequential.

2. The UNION OF BHARATVARSH

The Union of Bharatvarsh is a unique constitutional entity governed under a centre-biased federal structure. The Constitution of Bharatvarsh establishes a federal polity. Still, unlike a strictly dual system, the Union is vested with broad legislative authority over subjects affecting national integrity, internal security, public health, and social welfare. In practice, the Union's legislative and executive power often predominates over that of the States, particularly where the matter is of all-Bharatvarsh importance.

Bharatvarsh is also a society shaped by a deep interaction between law, morality, custom, and religion. Its people are diverse in language, culture, faith, and community traditions. The constitutional order has long recognised that while individual freedom is central to democracy, that freedom is not exercised in a social vacuum. Across various regions of the country, socio-cultural and religious sects have developed distinctive ritual practices. Some of these practices are rooted in asceticism, some in mysticism, and some in unorthodox understandings of pleasure, transcendence, and self-realisation.





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A striking feature observed by the Parliament of Bharatvarsh over several decades was the recurring and widespread use of recreational drugs among certain groups, often justified under the guise of spiritual revelation, emotional release, or psychological liberation. Concerned by the increasing misuse of narcotic substances, the escalating harm to youth, and the social costs associated with addiction and trafficking, Parliament enacted the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act"). The NDPS Act was conceived as a strict regulatory statute designed to prohibit, control, and punish unlawful activities involving narcotics and psychotropic substances. It reflects the legislative judgment that drug abuse is not merely a personal problem, but a public issue with deep consequences for health, order, and security.

3. The Spiritual Sect in Bengal

In the State of Bengal, there has existed since the 1950s a religious cult headed by **Somanand Swami**, also known as **Babaji**. Over the decades, the cult developed a considerable reputation among certain urban and semi-urban circles for its unconventional beliefs and provocative rituals. The sect's followers believe that the ordinary life of social restraint, discipline, and conventional morality is not sufficient for spiritual awakening. They claim that human beings must not suppress natural impulses, but rather transform them into pathways of transcendence. The cult professes a belief that nirvana may be attained through a process referred to as the "**technique of transformation.**" This technique, according to the sect, is not confined to prayer or meditation in the traditional sense. It allegedly includes the deliberate use of controlled substances, sensory experiences, guided spiritual gatherings, bodily liberation, and ritualised surrender of conventional social taboos. The sect takes pride in defying what it calls the artificial constraints of society. It encourages individuals to live authentically, to reject hypocrisy, and to embrace joy without guilt. At the same time, the cult's practices have often been viewed with suspicion by authorities and by members of civil society. Its gatherings have been associated with promiscuity, socially offensive conduct, and the use of substances that may fall within the prohibition of the NDPS Act. The sect's critics describe it as a movement that disguises unlawful conduct in spiritual language. Its supporters, however, argue that it merely offers an alternative path to self-realisation, one that is more honest about human desire and the embodied nature of consciousness.

Babaji, as the head of the cult, is considered a charismatic and persuasive leader. His followers regard him as a guide, teacher, and spiritual authority. He allegedly claims that the ordinary legal system cannot determine matters of inner liberation. For him and his disciples, the State may regulate commerce and violence, but it cannot dictate the terms of spiritual awakening. This ideological posture provides the philosophical background against which the present controversy emerges.





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4. The Role of Mata Shima Devi

One of the active members of the cult is **Mata Shima Devi**, or simply **Devi**. Devi is known within the sect for her devoted adherence to the cult's practices and for her ability to communicate with younger and more educated audiences. She has developed a presence on social media platforms, through which she spreads the sect's philosophy to interested individuals. Devi's online interactions are significant in the present dispute because they are said to have initiated contact with **Kushman Sha**, a law student. Devi assured Kushman that she could guide him toward nirvana using the methods practised by the cult. Her communication was not merely casual or incidental; it was persistent, deliberate, and seemingly designed to draw Kushman into the cult's spiritual orbit. Through repeated conversations, Devi presented the cult as a path to enlightenment, self-acceptance, and freedom from the burdens of social conformity. Devi's residence in Bengal became the principal venue for several of these sessions. It functioned simultaneously as a private home, an informal spiritual space, and, according to the State, a site of illegal activity. The ambiguity of that space becomes central to the constitutional and criminal issues in the case.

5. Kushman Sha and His Introduction to the Cult

Kushman Sha is a law student with an interest in philosophy, constitutional values, and alternative spiritual practices. Through social media, he came into contact with Devi, who promised that the cult's teachings could help him attain a heightened spiritual state. The promise of nirvana, combined with the cult's unconventional but intellectually stimulating worldview, drew Kushman into the sect's orbit. In **May 2024**, Kushman met Babaji at Devi's residence to begin the process of spiritual initiation. During this meeting, he was exposed to the cult's beliefs about authenticity, liberation, and the rejection of oppressive social norms. He found their ideas unusual but compelling. The cult appeared to him not merely as a religious group but as a philosophical movement that challenged the rigidity of mainstream morality.

Later, on **11th June 2024**, Kushman again visited Devi's residence. At this meeting, he participated in another session and was further immersed in the group's practices. He was reportedly impressed by their views and by the confidence with which they defended their lifestyle. At the conclusion of the meeting, it was decided that the next gathering would occur on **25 June 2024**.

Kushman's background as a law student is important. His presence in the case adds a layer of irony and complexity because it suggests that he was not a gullible outsider unaware of the legal risks. Rather, he was a person with at least some familiarity with legal prohibitions and constitutional rights, yet he was drawn into the sect's environment through spiritual curiosity and personal attraction to its ideas.





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6. The Anonymous Tip and Police Preparations

On 23 June 2024, the police received an anonymous tip that drugs were being used at Devi's residence. The source of the information was not disclosed, and the tip was not accompanied by any formal complaint from a named person. Nevertheless, the information was considered sufficiently serious to warrant investigation.

Acting upon this tip, the police team began preparing for a possible raid. The officers considered the nature of the information, the identity of the suspects, the location of the alleged activity, and the need to ensure compliance with the procedure prescribed under the NDPS Act. In particular, the officers were mindful of the strict requirements governing search, seizure, and arrest in narcotics cases, where the law balances the need for effective enforcement against the risk of wrongful intrusion into private premises.

The relevance of the anonymous tip is multifold. *First, it raises questions about the reliability and sufficiency of the information that triggered the search. Second, it forms part of the later dispute over whether the officers had adequate grounds for entering the house. Third, it strengthens the State's contention that the raid was not arbitrary, but based on prior intelligence and lawful suspicion. Finally, it adds to the privacy argument of the petitioners, who contend that the State's intervention into the home was based on mere suspicion rather than proof.*

7. Events of 25 June 2024

On 25 June 2024, Kushman arrived at Devi's residence at approximately 9:00 a.m. The session began around 9:30 a.m. The atmosphere inside the home was calm, private, and ritualistic. Babaji and Devi were present, and the meeting was understood to be part of the cult's spiritual program. According to the petitioners, the gathering was meant to facilitate meditation, concentration, and inner transformation. During the session, Devi offered Kushman a brownish-white powder, referred to by the cult as "essence of heaven." She claimed that the powder would assist him in meditation and concentration. The name itself suggests an attempt to frame the substance in spiritual or elevating terms, thereby distancing it from ordinary narcotic use. Kushman was initially hesitant. He was aware, at least in general terms, that substances of this nature could be legally problematic. However, Babaji persistently encouraged him to consume the powder, assuring him of its transformative significance and the legitimacy of the cult's methods. Ultimately, Kushman consumed the powder.

The significance of this act lies at the centre of the dispute. It is said to be voluntary, but the voluntariness is qualified by social influence, spiritual persuasion, and the authority of the cult leader. It was also done in a private residence, in the presence of consenting adults, and without any immediate third-party disturbance. From the petitioners' perspective, this places the act within the protected sphere of privacy. From the State's perspective, the act constitutes a direct violation of the NDPS Act regardless of whether it occurred indoors or in public.





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8. The Raid by Inspector Rohan Barman

On 25 June 2024, at around 10:15 a.m., Inspector Rohan Barman, who is also referred to in some records as PI Ramu, arrived at the residence with a raiding unit. The timing of the raid is important because it shows that the officers acted promptly after receiving intelligence and while the session was still ongoing. Upon entering the house, the officers found Kushman, Babaji, and Devi seated on the floor. On the dining table, they observed lines of brownish-white powder and an open packet that, based on appearance, they suspected to be heroin or a similar narcotic substance. Devi explained that the powder was used for meditation, but the officers were not persuaded by this explanation. The appearance of the powder, the packaging, and the circumstances of the meeting all suggested to them that an offence under the NDPS Act might be underway. The officers then searched the premises further and discovered a briefcase on the first floor containing two packets of a similar powder. These packets were also seized. The seizure operation was documented, the items were sealed, and they were sent for chemical analysis. The search of the home and the seizure of the packets form a second major axis of the dispute. The petitioners later argued that the home is a constitutionally protected private space, and that what occurred within it was consensual and non-commercial. The State, by contrast, argued that a home does not become constitutionally immune merely because it is private; if illegal narcotics are present, the statute may legitimately be enforced.

9. Arrest and Criminal Proceedings

Following the search and seizure, the trio, Babaji, Devi, and Kushman, were arrested in accordance with the procedure prescribed under the NDPS Act, 1985, in the district court of Cooch Behar. The officers claimed compliance with all legal formalities required for a lawful arrest. The seized substances were forwarded for chemical examination to determine their exact composition and whether they fell within the prohibited category under the Act.

Subsequently, charges were framed against the three accused for **consumption and possession of illicit drugs**, including offences under **Section 27** and other connected provisions of the NDPS Act. The prosecution's case was that the accused were involved not only in a private spiritual ceremony, but in conduct that violated a strict statutory prohibition against narcotic use. The framing of charges caused serious concern to the petitioners. They contended that criminal law was being used to police private moral choices and that the law had entered the sacred domain of the home.

For the State, however, the prosecution was the inevitable consequence of an admitted act of consumption and the seizure of narcotic-like substances from the premises. Aggrieved by the criminal proceedings, denial of Bail and lower court's order, Babaji and Devi initiated constitutional proceedings before the Hon'ble Calcutta High Court by way of an appeal (Criminal Revision), challenging the constitutionality of Section 27 of the NDPS Act, for the quashing of an FIR under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, violation of Section 185, 105 BNSS, 2023, and several related provisions.





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Their principal argument was that the State had no authority to intrude into private, consensual activity that took place within the four walls of their house. They asserted that:

- The conduct occurred in private,
- No third party was disturbed,
- The activity was consensual,
- The participants were adults,
- The State's interference was therefore unjustified.

The petitioners relied heavily on the constitutional right to privacy. They argued that privacy is not merely the right to be left alone in a physical sense, but also the right to make intimate decisions concerning one's body, mind, spiritual life, and personal associations. They insisted that if the Constitution protects personal autonomy, it must protect the freedom to engage in private rituals even if those rituals involve the use of substances that the State dislikes.

They further argued that the seizure of material from their home violated their constitutional right to privacy. According to them, the State's power to search cannot override the sanctity of private residence unless there is a sufficient legal basis and strict compliance with due process. The presence of a home should, in their view, heighten the constitutional threshold required for intrusion. The petitioners also sought an interim stay on the trial proceedings, arguing that the validity of the statute itself was under challenge and that the criminal case should not proceed until the Supreme Court had resolved the constitutional question. They contended that permitting the trial to continue would cause irreparable prejudice and might render the constitutional challenge ineffective in practical terms.

10. The High Court's Interim Order and Further

The High Court, however, permitted the trial to proceed independently. The Court held that the criminal case need not await the outcome of the constitutional proceedings. In doing so, the Court implicitly recognised that a challenge to the validity of a statute does not automatically suspend the operation of an ongoing criminal process, particularly where the statute remains in force unless struck down.

This interim decision became strategically significant. It meant that the petitioners would face parallel legal battles: one in the criminal court concerning guilt, evidence, and procedure, and another in the Calcutta High Court concerning the validity of the law itself. The order also reflected the Court's hesitation to treat the constitutional challenge as sufficient, by itself, to arrest the operation of the criminal justice system.

Aggrieved by this order, the trio, Babaji, Devi, and Kushman, filed a writ in the form of a PIL before the Supreme Court of Bharatvarsh to resolve the entire dispute in various stages of adjudication.





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11. Nature of the Questions Raised by the Petitioners

This case is not simply about whether narcotics were found in a house. It raises broader and more difficult questions, including:

- i. Whether privacy protects acts done in the home even when those acts are criminalised by law; whether the State may regulate private conduct if it causes no immediate harm to a third party?
- ii. Whether religion or spirituality can justify the use of prohibited substances; whether an adult's informed choice to ingest a substance lies within the ambit of bodily autonomy?
- iii. Whether drug control laws are justified by public health and social order; whether a home can be searched based on anonymous information; and whether criminal law can legitimately punish personal consumption without crossing the boundary into moral policing?
- iv. Whether Section 27 of the NDPS Act, 1985 is constitutionally valid insofar as it criminalises private consumption of narcotic drugs and psychotropic substances?
- v. Whether the constitutional right to privacy protects consensual acts involving narcotic consumption when conducted within a private residence and without direct public disturbance?
- vi. Whether the State may rely on public health, public morality, and public order as grounds to regulate or prohibit personal drug use even in the private sphere?
- vii. Whether the search and seizure conducted at Devi's residence complied with the procedural safeguards under the NDPS Act and the constitutional guarantees applicable to searches of private homes?
- viii. Can the invocation of religious belief and spiritual practice alter the constitutional and statutory analysis of the case?
- ix. Whether the petitioners are entitled to any interim or final relief, including quashing of criminal proceedings, granting of bail, or striking down of the impugned statutory provision?

12. Additional Background on the NDPS Act

The NDPS Act was enacted in 1985 as a comprehensive legislation to deal with narcotic drugs and psychotropic substances. It aims to consolidate and amend the law relating to narcotic drugs, to provide for stringent punishments, and to create mechanisms for prevention, control, and enforcement. The statute is widely understood as a restrictive and deterrent law. It does not merely regulate trade; it criminalises a range of conduct related to drugs, including possession, transportation, use, financing, and trafficking. Section 27 specifically addresses punishment for the consumption of narcotic drugs or psychotropic substances. The legislative logic behind such a provision is that consumption sustains the demand side of the drug economy. By penalising consumption, the law seeks not only to punish users but also to reduce the market incentive for supply. This policy rationale is of central relevance to the respondent's case.





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At the same time, the severity of the Act has often raised concerns about over-criminalisation, procedural safeguards, and the risk that ordinary users may be treated on par with traffickers. These concerns are especially acute where the conduct in question is said to have taken place in a private home, without distribution to the public and without immediate disorder.

13. Additional Context on Privacy and Liberty

The petitioners' case necessarily invokes the broader doctrine of privacy. Privacy, in constitutional terms, is not limited to secrecy. It includes decisional autonomy, bodily integrity, spatial privacy, relational privacy, informational privacy, and the right to make intimate choices free from arbitrary state interference. In a constitutional democracy, the home is often regarded as one of the most protected spaces of private life.

The petitioners seek to place their conduct within that protected domain. They argue that the home is not merely a physical structure but a zone of liberty where adults can decide how to meditate, worship, converse, associate, and even experiment with consciousness. They claim that the State cannot enter this zone simply because it disapproves of the manner in which the occupants pursue spiritual or personal fulfilment.

The State, however, argues that privacy does not create a constitutional sanctuary for illegal conduct. A home may be private, but it is not beyond the law. The Constitution protects privacy, but it does not convert criminal acts into fundamental rights. This tension lies at the core of the moot.

14. Religious and Spiritual Dimensions

Although the petitioners primarily base their challenge on privacy and liberty, the facts also raise a possible religious freedom dimension. The cult describes the consumption of the substance as part of a spiritual discipline intended to help attain nirvana. The petitioners may argue that their conduct was not recreational in the ordinary sense, but ritualistic and faith-based. They may contend that the Constitution protects the freedom to profess, practice, and propagate religion, and that spiritual communities should have room for unconventional ritual forms. The respondents, on the other hand, would likely argue that religious freedom cannot be used as a shield for violation of a general law of application, particularly one enacted to control harmful substances. They may contend that the cult's practices are not a protected essential religious practice, but rather a deliberate evasion of law disguised as spirituality. They may also argue that public order and morality permit reasonable restrictions even on religious conduct.





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15. The Significance of the Home

The home is central to the petitioners' narrative. They repeatedly assert that the alleged acts occurred within the four walls of a private residence and did not disturb any outsiders. The law, they argue, should be slow to intrude upon domestic space. The State, however, maintains that criminal law cannot stop at the doorstep when there is reason to believe that narcotics are being consumed or stored inside. Otherwise, offenders could simply move prohibited activity indoors and evade regulation. The question, therefore, is not only whether the home is private, but whether privacy in the home can defeat the enforcement of a valid criminal statute.

16. Comparative Significance of the Case

This moot proposition is designed to resemble a constitutional test case. It presents a fact pattern where the court must decide whether a statutory prohibition on consumption can withstand a privacy-based challenge. The proposition is especially valuable for participants because it invites arguments on:

- The scope of Article 21-like rights,
- Personal autonomy over one's body and mind,
- The distinction between private morality and constitutional liberty,
- The balance between individual choice and social harm,
- The legitimacy of police action inside the home,
- The role of judicial restraint in matters of drug policy.

The case, therefore, offers a rich combination of issues suitable for a high-level constitutional and criminal law memorial.

17. Instructions to the Participants

All facts contained in this proposition are fictional and are intended solely for academic and pedagogic purposes. The parties, names, places, institutions, and events bear no relation to any real persons or entities. Participants may draw analogies from Indian constitutional law and criminal law for argumentation, but they must confine themselves to the facts as stated and to reasonable inferences that naturally arise from them.

Participants are expected to argue both for the petitioners and the respondents, addressing constitutional validity, procedural legality, privacy, liberty, public health, moral regulation, and the search and seizure framework under the NDPS Act.

-----END OF MOOT PROPOSITION-----





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EVENT SCHEDULE

S.NO	Event	Date
1.	Release of Moot Proposition	30-04-26
2.	Final date of submitting names for participation	04-05-26
3.	Last date of submitting the hard copy of the memorials	16-05-26
4.	Draw of Tots and Memorial Exchange	18-05-26
5.	Preliminary Round (LL. B. Sem -II vs B.A. LL. B. Sem-II & IV)	19-05-26
6.	Preliminary Round (LL. B. Sem -IV vs B.A.LL. B. Sem-VI & VIII)	20-05-26
7.	Preliminary Round (LL.B. Sem -VI vs B.A.LL. B. Sem-IX & X)	21-05-26
8.	If the remaining team are left to participate	22-05-26 and 23-05-26
9.	Declaration of the result for Preliminary rounds (Combined)	25-05-26
10.	Draw of Tots and Memorial Exchange for Semi-Final (among the four teams)	25-05-26
11.	Semi Final	27-05-26
12.	Declaration of the result for the semi-final (Combined)	27-05-26
13.	Final Round	29-05-26



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