

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (NDPS) 1 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - MITHUN SARKAR

...petitioner.

Mr. Debanshu Ghorai
Mr. Anisur Rahman

...for the petitioner.

Ms. Anasuya Sinha, APP
Mr. Anindya Sundar Chatterjee

...for the State.

Dictated by Arijit Banerjee, J.

1. Supplementary affidavit filed on behalf of the petitioner be taken on record.
2. State files a report regarding the health condition of the petitioner. Let the same be kept with the records. The relevant portions of the report reads as follows:-

“...Before entering into Presidency Correctional Home, he visited Emergency Dept. of SSKM Hospital on 15.11.24. He attended Post Transplant Clinic OPD of SSKM Hospital on 21.11.24. He was advised medications, pathological investigations and to review after 2 months. His Pathological investigations were done on 12.12.24. He again attended Post Transplant Clinic OPD of SSKM Hospital on 19.12.24 for follow up. He was advised medications, ‘to level test’ and pathological investigations. His pathological investigations were done on 24.12.24. He again attended Post Transplant Clinic OPD of SSKM Hospital on 02.01.2025 for follow up. He was advised to come with to level pathology report and other pending reports. His ‘to level test’ was done from private pathology center (Pathkind Diagnostics PVT. LTD) on 22.01.25.

His pending pathological investigations were done on 30.01.25. He will be further review at Post Transplant Clinic on 20.02.25 with all reports.

One of his kidneys was affected and it was transplanted. He is on regular treatment under Post Transplant Clinic OPD of SSKM Hospital.

He is now following the advice of SSKM Hospital and will be further followed up accordingly. The copy of medical report is enclosed with CD.”

3. We, therefore, see that the petitioner is receiving all necessary medical treatment at the Presidency Correctional Home Hospital following the advice of SSKM Hospital. Investigation of the case is in progress. Commercial quantity of contraband items was seized from the petitioner. Charge-sheet is yet to be filed.
4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage, keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Hence, the prayer for bail is rejected.
5. The application being CRM (NDPS) 1 of 2025 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)