

04.11.2025
23
Bd.
Rejected
Ct.3

**Calcutta High Court
In the Circuit Bench at Jalpairuri
C.R.M. (NDPS) 321 of 2025**

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 32 of 2025 arising out of NJP PTN Police Station Case No. 32 of 2025 dated 16.01.2025 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Anawar Seikh @ Anuar Hossain.... Petitioner**

Mr. Prajnadeepta Roy
Mr. Nasir Ali
Mr. Rajan Raj
Mr.Jaimallya Bhattacharya ...for the Petitioner.

Mr. Abhijit Sarkar
Mr. Sourav Ganguly ...for the State

Learned counsel appearing on behalf of the petitioner submits that though the seizure list discloses that the contraband articles was recovered from the possession of the four accused persons but from the FIR and also from the charge-sheet it discloses that 275 grams of brown sugar was recovered from one accused person namely Ms. Sumita Barman and 300 gms. of brown sugar from the possession of the present petitioner. The said Sumita Barman from whom allegedly 276 gms. of brown sugar was allegedly recovered has already been granted bail by this Court in CRM (NDPS) 131 of 2025 on the ground of violation of Article 22(1) of the Constitution of India. He further submits that the present

petitioner is almost on the same footing with that of the co-accused Sumita Barman and he may be released on bail on any terms and conditions as also investigation has already been ended in charge-sheet but charge has not yet been framed and the trial will take long time to conclude. In this context petitioner has relied upon a judgment of this Court passed in CRM (NDPS) 401 of 2025 dated 29th October, 2025 in the case of Azizul Rahaman & Ors.

Learned counsel for the State opposed the bail prayer contending that 300 gms. of brown sugar was recovered from the possession of the present petitioner and petitioner is in custody since 16th January, 2025.

Learned counsel for the State further submits that from columns no. 11 of the Memo of Arrest it appears that petitioner had put his signature wherein it was certified that he has been informed of his right to have someone of his arrest or detention. Accordingly, there was no non-compliance of provision of Article 22 of the Constitution of India. In this context he also relied upon a judgment of this Court in *Ajijul Sk. & Anr. -vs- State of West Bengal*.

Having heard learned counsel appearing on behalf of both the parties and that the materials discloses that the petitioner has failed to overcome the restrictions imposed in Section 37 of the NDPS Act, the prayer for bail made by the petitioner stands rejected.

Accordingly, CRM (NDPS) 321 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)