

13.02.2026

Court No.35.

D/L. 194.

Kausik

(Allowed)

CRM (NDPS) 38 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Baruipur Police
Station Case No. 249 of 2025 dated 04.02.2025 under sections
21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : Moglesur Seikh @ Mokhlesur Sk. & Anr.

.....Petitioners.

Mr. Sekhar Basu, Sr. Adv.
Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Karan Bapuli

.....for the Petitioners.

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.
Mr. Dattatreya Dutta

.....for the State.

Learned advocate appearing for the petitioner submits
that there were recovery of 929 Gms. of Heroin from the house
of the petitioner no. 1. Petitioner no. 2 happens to be a relation
who was present.

Learned senior advocate submits that both the
petitioners are in custody since the case was registered on
04.02.2025. It has been addressed before this Court that
although petitioner no. 1 happens to be the tenant of the
house. The petitioner no. 2 is the mother-in-law of the
petitioner no. 1 who came to that premises.

Learned advocate for the State opposes the prayer for bail and intends to rely upon two statements, CDR and Videographs.

I have considered the materials so far as the petitioner no. 2 is concerned, but petitioner no. 2 not being a regular resident of the premises from where seizure has been effected and is a relation, I am of the view that her complicity in the case is debatable. As such so far as her locus is concerned she has been able to dilute the rigors of Section 37 of the NDPS Act.

So far as the petitioner no. 1 is concerned, considering the seizure, I am not inclined to release the petitioner no. 1 on bail.

As such the prayer for bail of the petitioner no. 2 is allowed.

Accordingly, Petitioner No. 2, namely, **Serina Bibi** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of Rs. 10,000/- (Rupees Ten Thousand Only) each. One of whom must be local to the satisfaction of Learned Additional District and Sessions Judge, 4th Court Alipore, South 24 Parganas.

If on bail petitioner shall be physically present on each and every date fixed by the learned Trial Court and shall not leave the jurisdiction of District of South 24 Parganas without the prior permission of the learned Trial Court.

Accordingly, CRM (NDPS) 38 of 2026 is **partly allowed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)