

D/L45
19.01.2026
Bpg.
Allowed

C.R.M. (NDPS) 44 of 2026

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Baishabnagar Police Station Case No.1011 of 2024 dated 22.09.2024 under Sections 21(c)/27(A)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Badiruddin Miya @ Badiruddin Sk
Versus
State of West Bengal

Mr. Sabir Ahmed
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
Mr. Quazi Ezaz
Mr. Dilwar Azad.
...for the petitioner.

Mr. Subhomay Bhattacharjee
Mr. Akash Ganguly.
...for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for 6 months 16 days and although initially the investigating agency commenced the investigation for recovery of brown sugar but subsequently on examination by the CFSL it was found that the contraband is opium. The recovery is of 400 grams. Consequently, the amount of 400 grams of opium happens to be intermediary quantity.

Having considered the chemical examiner's report and the period of the detention of the petitioner in spite of objection raised by the State, I am inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Badiruddin Miya @ Badiruddin Sk shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned Judge, Special Court, NDPS Act-cum-learned Additional District Judge, 4th Court, Malda. If on bail, the petitioner shall be physically present on each and every date fixed by the learned trial court and shall not leave the jurisdiction of the district of Malda without the permission of the learned special court.

Accordingly, CRM (NDPS) 44 of 2026 is allowed.

All parties shall act on the server copy of this order duly 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 of all requisite formalities.

(Tirthankar Ghosh, J.)