

25.02.2026

Court No.35.

D/L.61

Rakib

(Rejected)

CRM (NDPS) 326 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Case no. 275/2025 arising out of DRI Case No. DRI/KZU/NDPS/(ENQ) - 106/2025 dated 05.12.2025 under Section 8(c) read with Sections 21(c)/29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Anil Gupta.

.....Petitioner.

Mr. Angshuman Chakraborty

Mr. S. S. Saha

.....for the Petitioner.

Mr. Nadeem Sulaiman

Mr. Tapan Bhanja

.....for the DRI Authority.

Learned advocate for the petitioner submits that there were recovery of 2042 bottles of ESKUF cough syrup/codeine mixtures which is the subject matter of the case. So far as the petitioner is concerned pursuant to his statement 1000 bottles out the total seizures were effected. Learned advocate for the petitioner submits that petitioner was not handed over with grounds of arrest in the language he understands and as such relies upon the judgment of Mihir Rajesh Shah -Vs. - State of Maharashtra in Criminal Appeal no. 2195 of 2025. Attention of the Court has been drawn to paragraph 56.

Learned advocate for the DRI opposes the prayer for bail. There is nothing on records or in the application which would reflect that the petitioner at the first instance took up the issue that he was unable to understand the case against him as the language he

understand in the said language the grounds of arrest or the memo of arrest was not supplied to him.

Prima facie it appears that this is an afterthought, although, it is submitted that the petitioner was produced before the learned Special Court on 5th of December, 2025.

If the anomaly still exists, petitioner obviously, the same being a question of law would be in a position to canvass the issue. So far as the merit of the case is concerned, having considered the quantum of seizure effected in the present case, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner in CRM (NDPS) 326 of 2026 is **dismissed**.

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.)