

D/L 2
24.03.2026

Bpg.
Allowed.

C.R.M. (NDPS) 335 of 2026

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973, corresponding to under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Gazole Police Station Case No.1014 of 2024 dated 12.11.2024 under Section 21(C)/29 of the NDPS Act;

Ratan Debnath
Versus
The State of West Bengal

Mr. Milon Mukherjee
Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick.
...for the petitioner.

Mr. Sanjay Bardhan
Ms. Pritha Paul.
...for the State.

Learned senior advocate appearing for the petitioner submits that there has been alleged recovery of 506 grams of heroin from the petitioner along with another. In connection with the present case, charge-sheet has already been submitted and the chemical examiner's report do state as follows:

- "1. Codeine, Morphine and Morphine-3-Acetate in a content of one of the exhibits.
2. Morphine, Codeine and Thebaine were detected in the content in another exhibit being marked.
3. There was Papaverine and Noscapine (which are not covered under the NDPS Act) and were also detected in the content of the exhibit."

Learned senior advocate has relied upon the decision of the Hon'ble Apex Court in SLP(Crl.) No.13987 of 2025 (Sentu Seikh Versus State of West Bengal) wherein the Hon'ble Apex Court was pleased to grant bail on the ground that the prosecution did not separate the three ingredients allegedly found with the appellant so as to quantify them.

Learned advocate for the State opposes the prayer for bail and relies upon the judgment of Hira Singh & Anr. Vs. Union of India & Anr. reported in 2021 SAR (Criminal) 221 and submits that the Larger Bench was pleased to hold that the total weight of a manufactured drug or substance including the neutral material is required to be considered while determining small quantity or commercial quantity. If it is interpreted in such a manner then only the object and purpose of the NDPS Act could be achieved. The Hon'ble Apex Court thereafter was pleased to overrule the judgment of E. Micheal Raj reported in (2008) 5 SCC 161 and lay down the guidelines. According to the learned advocate appearing for the State, the present order passed in Sentu Seikh (supra) do not have any authoritative binding as it ignored the earlier judgment of the Hon'ble Apex Court.

Having considered that it has been clarified in the judgment of Sentu Seikh (supra) that the observations which have been made are not on the merits of the main case but such observations were for the limited purpose of considering an application for bail, I am of the view that having considered the period of detention of the present petitioner and the evidence of

P.W.1 is in progress and eight more witnesses are yet to be examined, further detention of the petitioner is unwarranted in the facts and circumstances of the present case.

Accordingly, the prayer for bail of the petitioner be allowed. The petitioner, namely, Ratan Debnath 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, under NDPS Act, Malda. If on bail, the petitioner shall not leave the jurisdiction of the district of Malda and shall report once in a fortnight to the Officer-in-Charge, Gazole Police Station who will acknowledge the attendance of the present petitioner. The petitioner shall be physically present on each and every date fixed by the learned trial court. In case there are any violations, learned special court would be at liberty to cancel the bail of the petitioner without further reference to this Court.

Accordingly, CRM(NDPS) 335 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.)