

05.03.2026
Court No.35.
D/L.41
Rakib
(Allowed)

CRM (NDPS) 339 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 Malda Town GRPS case no. 01 of 2025 dated 05.01.2025 under Sections 21(C)/29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Md. Jakir Hossain.

.....Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar BHowmick

.....for the Petitioner.

Mr. Anand Keshari
Ms. Rajnandini Das

.....for the State.

Learned advocate for the petitioner submits that 461 grams of brown sugar recovered from the possession of the petitioner and the petitioner is in custody for one year two months. It has also been submitted that the seized substance as per Chemical Examiner's Report is not brown sugar but a combination of 'Morphine, Codeine and Thebaine'.

Learned advocate for the State opposes the prayer for bail.

There has been no quantification of the ingredients which have been found after the Chemical Examiner's Report was made available.

In SLP (Crl.) 13987 of 2025 the Hon'ble Apex Court in similar set of circumstances was pleased to release the petitioner on bail. Having considered that the identical issue has been canvassed in

the present case, I am inclined to release the petitioner on bail. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Md. Jakir Hossain** shall be released on bail upon furnishing 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 the learned Special Court under NDPS Act cum learned Additional District Judge, 4th Court, Malda.

If on bail, the petitioner shall be physically present on each and every date before the learned trial Court in seisin of the case and shall not leave the jurisdiction of district of Malda without the prior permission of the learned Special Court.

Accordingly, the prayer for bail in CRM (NDPS) 339 of 2026 is **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.)