

25.02.2026
Court No.35.
D/L.66
Rakib
(Allowed)

CRM (NDPS) 350 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 Kaliachak Police Station case no. 1476 of 2024 dated 17.09.2024 under Sections 21(c)/25/27A/29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Amir Hamja.

.....Petitioner.

Mr. Kaushik Chowdhury
Ms. Irina Mullick
Mr. Dwaipayan Panda
Mr. Tridib Das

.....for the Petitioner.

Mr. Arijit Ganguly
Mr. Amanul Islam

.....for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for more than one year five months. In the meantime the evidence of the seizure list witnesses is over. The last direction passed by this Court on 21.01.2026 in CRM (NDPS) 1500 of 2025 reflects that petitioner was granted liberty to approach this Court after the evidence of the seizure list witnesses are over. Petitioner submits that both the seizure list witnesses are not only hostile but could not throw any light relating to the present case.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer for bail, however, he is unable to refute such contention that the seizure list witnesses have turned hostile.

Having considered the changed circumstances and the fact that there is dilution in the rigors of Section 37 of the NDPS Act, I

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

As such, petitioner namely, **Amir Hamja** 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 Judge, 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 prior permission of the learned Special Court.

Additionally, petitioner shall once in a fortnight meet with an Officer deputed by the Inspector-in-Charge of Kaliachak Police Station till further orders of this Court.

Accordingly, the prayer for bail in CRM (NDPS) 350 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.)