

02.04.2026

Court No.35.

D/L. 29.

Kausik

(Allowed)

CRM (NDPS) 498 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Kaliachak Police
Station Case No. 828/2025 dated 18.05.2025 under Sections
21(c)/25/27A/29 of the NDPS Act, 1985.

And

In the matter of : Dil Khus Kumar

.....Petitioner.

Mr. Pinaki Dhole
Mr. Sushant Rabidas
Mr. Rabindra Kr. Pathak

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Anindya Sundar Chatterjee

.....for the State.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody for more than 320 days and
the subject matter of the case relates to recovery of 258 Gms. of
Brown Sugar and a sum of Rs. 50,000/- from a vehicle which
was allegedly boarded by the present petitioner along with
others.

Learned advocate for the State opposes the prayer for
bail.

I have taken into account the Chemical Examiner's
Report which contains Diacetylmorphine (Heroin), 6-

Monoacetylmorphine and Codeine which are covered under the NDPS Act.

Having regard to the order passed by the Hon'ble Apex Court in ***Sentu Seikh vs. State of West Bengal (SLP (Crl.) No. 13987/2025)*** I am of the opinion, since the recovery is not above the commercial quantity and there has been no quantification of the individual contrabands which have been detected in the Chemical Examiner's Report, I am inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is allowed.

Accordingly, Petitioner, namely, **Dil Khus Kumar** shall furnish 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 Learned Additional District and Sessions Judge, Special Court, 4th Court at Malda.

If on bail, petitioner shall be physically present on each and every date fixed by the learned Trial Court and shall not leave the jurisdiction of District of Malda without the prior permission of the learned Special Court.

Accordingly, CRM (NDPS) 498 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.)