

02.04.2026

Item No.42

Ct.No.35

dc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (NDPS) 512 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pukhuria Police Station Case No. 485 of 2024 dated 23.08.2024 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Joshim Sk**

... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Debarshi Brahma

... For the State.

Learned advocate appearing for the petitioner submits that the subject-matter of the case relates to alleged recovery of 424 grams of brown sugar. Attention of the Court has been drawn to the enclosure of the bail application which relates to chemical examiner's report which reflects that contraband seized contains Diacetylmorphine (Heroin), 6-Monoacetylmorphine, Morphine-3-acetate, Acetylcodeine, Morphine & Codeine and the same have not been quantified by the prosecution.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that the recovery was made from the present petitioner and the prosecution will put in efforts to conclude the trial at the earliest.

I have taken into account the number of witnesses which is 18 as well as the judgement/order passed by the Hon'ble Supreme Court in *Sentu Seikh Vs. State of West Bengal* arising out of SLP (Crl.) No. 13987/2025. Having regard to the issue of quantification not being done, period of detention of the present petitioner which is more than 1 year 7 months as also the prosecution is to examine 17 more witnesses, I am of the view that further detention of the present petitioner in connection with the instant case is unwarranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Joshim Sk** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District Judge, 4th Court, Malda.

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

The application for bail, being CRM (NDPS) 512 of 2026, is, thus, disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)