

30.03.2026

Item No.583

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 570 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station Case No. 1073 of 2025 dated 17.06.2025 under Sections 21(c)/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Md. Sahadat Hossain**

... Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Avinaba Patra,
Mr. Dipayan Kundu

... For the Petitioner.

Mr. Rudradipta Nandy, APP,
Mr. Ratul Ghosh

... For the State.

Learned senior advocate appearing for the petitioner submits that the chemical examiner's report reflects that the chemical analysis findings are Diacetylmorphine (Heroin) & 6-Monoacetylmorphine (both are covered under the purview of NDPS Act, 1985) and Noscapine (not covered under the purview of NDPS Act, 1985). Reference has been made to the judgement of the Hon'ble Supreme Court in *Sentu Seikh Vs. State of West Bengal* arising out of SLP (Crl.) No. 13987/2025 wherein the Hon'ble Supreme Court was pleased to observe as follows :-

"The appellant, Sentu Seikh, was allegedly found in possession of 514 grams of what appeared to be Heroin. This is as per the FIR as well as the chargesheet. However, it is now stated that the alleged seized substance was not Heroin, but a combination of Morphine, Codeine and Thebaine.

The appellant, Sentu Seikh, is in jail since 09.04.2024.

The question arises as to whether Section 37 of the NDPS Act would have application to the case on hand, given the fact that the prosecution has not separated the three ingredients allegedly found with the appellant, so as to quantify them.”

In the present case, there has been recovery of 306 grams of brown sugar. In view of the observations made by the Hon’ble Supreme Court in *Sentu Seikh Vs. State of West Bengal* referred to above and the petitioner being in custody for 1 year 9 months, I am of the opinion that in spite of the objection raised by the State, 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**. However, it is clarified that such observations are with regard to bail and not on the merits of the case.

Accordingly, the petitioner viz., **Md. Sahadat Hossain** 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 and Sessions 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.

Learned advocate appearing for the State would communicate with the appropriate authorities particularly State Forensic Science Laboratory so that further reports are

furnished before the Court in tune with the judgement of the Hon'ble Supreme Court referred to above.

Learned advocate for the State is directed to communicate this order to the ADG, Law and Order of West Bengal for taking appropriate steps.

The application for bail, being CRM (NDPS) 570 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.)