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19.05.2026
Dismissed
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C.R.M. (NDPS)603 of 2026

In Re: An application for Bail under Section 483 of the of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Memari Police
Station Case No.994 of 2024 dated 18.12.2024 under Sections
20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act;

Sangita Sahani
Versus
The State of West Bengal

Mr. Soumyajit Das Mahapatra
Mr. Palash Bapari
Ms. Madhurai Sinha
Ms. Upasana Banerjee.
...for the petitioner.

Ms. Arushi Rathode.
...for the State.

Learned advocate appearing for the petitioner submits
that there were directions earlier for completing at least 10
witnesses by 15th March, 2026. However, till date, according to the
petitioner, only 4 witnesses have been examined. Petitioner is in
custody since December, 2024 for about 1 year 6 months and as
there is no possibility of the trial being concluded very soon, the
petitioner may be released on bail.

Learned advocate for the State, on the other hand,
opposes the prayer for bail and submits that there were not only
recoveries of 47.5 kgs of ganja but additionally there were recoveries
of Rs.41.87 lakhs cash from the house of the present petitioner.

A report has been submitted by the State which reflects

that the investigating officer has recommended for three more witnesses to be examined. It has also been submitted that the evidence was recorded till January, 2026 but thereafter the case could not proceed for reasons beyond the control of the prosecution.

I have taken into account the facts of the case and the report which reflects that the two investigating officers and one lady constable has been proposed to be examined in support of the prosecution case.

It would not be out of place to state that so far as this State is concerned, the Judicial Officers were engaged in other administrative work for more than two months. Presently also there are issues regarding representation of the State advocates in the trial courts. Although in this case it has been pointed out presently the special court is lying vacant.

Having considered the fact that there were not only seizure of 47.5 kgs. of contraband but also huge recovery of cash from the same place and the independent witnesses did not dilute the prosecution case, I am not inclined to release the petitioner on bail at this stage. Petitioner will renew her prayer for bail after three months of the special court resuming its office. Prosecution would take steps for completion of the witnesses within the aforesaid period of three months after the special court commences proceeding.

Accordingly, CRM(NDPS)603 of 2026 is dismissed.

Memo of Evidence submitted by the State be kept with the record.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)