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02.04.2026
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Allowed

C.R.M. (NDPS) 593 of 2026

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with English Bazar Police Station Case No.1725 of 2024 dated 22.11.2024 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act;

Rahamat Ali
Versus
The State of West Bengal

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick.
...for the petitioner.

Ms. Shreyashi Biswas
Mr. Dattatyreya Dutta.
...for the State.

Learned advocate appearing for the petitioner submits that the alleged recovery is of 487 grams of brown sugar and the petitioner is in custody for 1 year 5 months. The prosecution intends to examine 10 witnesses in support of its case, as such, the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that charges have already been framed, efforts would be exerted to conclude the trial at the earliest.

I have taken into account the case diary which incorporates the chemical examiner's report. The result of the chemical examiner's report reflects the following components which are as follows:

"1. Diacetylmorphine (Heroin), 6-Monoacetylmorphine,

Morphine, Codein and Acetylcodein (all are covered under NDPS Act).

2. Papaverine and Noscapine (both are not covered under NDPS Act Act).”

Having considered the judgment of Hon’ble Supreme Court in Special Leave to Appeal (Crl.)13987 of 2025 (Sentu Seikh Vs. State of West Bengal) and the fact that the quantification has not been expressed in the present case, I am inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Rahamat Ali shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS-cum-learned Additional District Judge, 3rd Court, Malda. If on bail, the petitioner shall be physically present on each and every date fixed by the learned special court and shall not leave the district of Malda without prior permission of the learned special court.

Accordingly, CRM(NDPS) 593 of 2026 is allowed.

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.)

