

05.05.2026

Item No.5

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 635 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Samserganj Police Station Case No. 153 of 2025 dated 15.03.2025 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Md. Hamidur Rahaman and others**
... Petitioners.

Ms. Arushi Rathore
... For the Petitioners.

Mr. Sanjay Bardhan,
Mr. Subham Bhakat
... For the State.

Learned advocate appearing for the petitioners submits that the petitioners are in custody since 15.03.2025; charges have been framed and trial has commenced. Prosecution has relied upon seven witnesses in order to prove its case and out of the two independent witnesses, one witness has expired and another witness did not support the prosecution case. Attention of the Court has been drawn to the chemical examiner's report which reflects that three contrabands viz. Morphine, Codeine and Thebaine have not been quantified.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that the prosecution case rests upon other relevant witnesses who are to be examined to prove the case beyond reasonable doubt.

I have taken into account the period of detention of the present petitioners and the fact that the chemical examiner's report reflects separate contrabands which under the schedule of the NDPS Act do state to have separate quantification for small quantity, intermediate quantity and commercial quantity. Relying upon the judgement of the Hon'ble Supreme Court in *Sentu Seikh Vs. State of West Bengal* arising out of SLP (Crl.) No. 13987/2025, I am of the view that the petitioners are entitled to be released on bail considering the period of detention as well as the principle which has been spelt out for dilution of Section 37 of the NDPS Act in the aforesaid judgement. As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners viz., 1. **Md. Hamidur Rahaman**, 2. **Aliul Rahaman** and 3. **Ismail Sk @ Md Ismail Sk** shall be released on bail upon furnishing bond of Rs.20,000/- each, 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, 5th Court, Berhampore, Murshidabad.

If on bail, the petitioners 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 Murshidabad without prior permission of the learned Special Court.

The application for bail, being CRM (NDPS) 635 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.)