

D/L 36
21.04.2026

Bpg.
Allowed.

C.R.M. (NDPS) 705 of 2026

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) filed in connection with Malda Town GR Police Station Case No.69 of 2025 dated 09.08.2025 under Sections 21(c)/29 of the NDPS Act;

Najib Aktar & Anr.
Versus
The State of West Bengal

Mr. Abhimanyu Bannerjee
Mr. Arnab Saha.
...for the petitioners.

Mr. Soumik Ganguly
Ms. Sreetama Dey.
...for the State.

Learned advocate appearing for the petitioners submits that the petitioners are in custody for 257 days and from the joint possession of the petitioners 316 grams of brown sugar were recovered. Charge-sheet has already been submitted before the jurisdictional court and the prosecution has relied upon 10 witnesses in order to prove its case.

Learned advocate for the State opposes the prayer for bail and produces the seizure list.

I have taken into account also the chemical examiner's report which reflects in one packet Thebaine and in another packet Die Acetyl Morphine and Thebaine while another packet there was Noscapine (which is not covered under the NDPS Act).

Having regard to the quantum of seizure and the fact

that there has been no quantification and relying upon the judgment of Hon'ble Supreme Court in SLP(Crl.) No.13987 of 2025 (Sentu Seikh Versus State of West Bengal), I am inclined to release the petitioners on bail.

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

Accordingly, CRM(NDPS) 705 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.)