

20.04.2026
Serial no. 37
[G.S.D]

CRM (NDPS) 681 of 2026

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Special Case No. 104 of 2024 arising out of Kaliachak Police Station Case No. 2033 of 2024 dated 14.12.2024 u/s 21(c)/27A and 29 of the NDPS Act, 1985.

-And-

In the matter of : Nur Mohammad

... .. Petitioner(s)

Md. Wasim Akram
Ms. Sabrina Parveen

... for the Petitioner(s)

Md. Adil Badr, Jr. Govt. Adv.
Mr. Rajes Jana

... for the State-respondent(s)

Learned advocate for the petitioner submit that the subject-matter of the alleged recovery in the present case is 407 gm of brown sugar and the petitioner is in custody for one year four months. Learned advocate also submits that charge-sheet has already been submitted in the present case, as such, further detention of the present petitioner is unwarranted.

Learned advocate for the State, on the other hand, opposes the prayer for bail.

Additionally, it has been pointed out by the learned advocate for the petitioner regarding non-quantification of the component of the contraband.

The chemical examiner's report reflect that 6-Monoacetylmorphine, Acetylcodeine, Morphine & Codeine have not been quantified.

Considering that the quantum of seizure in the present case is 407 gm as also relying upon the proposition as laid down by the Hon'ble Apex Court in **Sentu Seikh v. State of West Bengal [SLP (Crl.) No. 13987 of 2025]**, I am of the view that further incarceration of the present petitioner is unwarranted.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, **Nur Mohammad** shall be released on bail upon furnishing bond of Rs.20,000/-(Rupees Twenty Thousand only), with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, 3rd Court, Malda under NDPS Act.

If on bail, the petitioner shall also make himself physically available on each and every date so fixed by the learned Special Court/trial court and shall not leave the district of Malda without prior intimation to the learned Special Court/trial court.

Accordingly, CRM (NDPS) 681 of 2026 is **allowed.**

Chemical examiner's report submitted by the State be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)