

13.05.2026

Item No.41

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 802 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 Kaliachak Police Station Case No. 758 of 2025 dated 09.05.2025 under Sections 21(c)/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Rafikul Sk**

... Petitioner.

Mr. Abhimanyu Banerjee,
Mr. Arnab Saha

... For the Petitioner.

Mr. Sagar Saha

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner has been implicated on the basis of alleged recovery of 307 grams of brown sugar. Petitioner is in custody for a year and till date, only charges have been framed. However, witness action has not commenced. Learned advocate for the petitioner has drawn the attention of the Court to the chemical examiner's report.

Mr. Sagar Saha, learned advocate is directed to represent the State. His appointment may be regularised by the concerned authorities.

Learned advocate for the State has produced the case diary along with Memo of Evidence.

I have taken into account the chemical examiner's report which reflects that the seized quantity contains Diacetylmorphine (Heroin), 6-Monoacetylmorphine, Morphine and Codeine. Having considered that there has been no quantification in the chemical examiner's report and the period of detention of the present petitioner, I am of the

view that the judgement of the Hon'ble Supreme Court in *Sentu Seikh Vs. State of West Bengal* arising out of SLP (Crl.) No. 13987/2025 is applicable to the present case. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Rafikul Sk** shall be released on bail upon furnishing bond of Rs.20,000/-, 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 Judge, 4th Court, Malda.

If on bail, the petitioner 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 Malda without prior permission of the learned Special Court.

The application for bail, being CRM (NDPS) 802 of 2026, is, thus, disposed of.

Memo of Evidence submitted on behalf of the State be kept with the record.

Case diary be returned to the learned advocate appearing for the State.

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.)