

15.05.2026
Serial no. 51
[G.S.D]

CRM (NDPS) 819 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 Kaliachak PS Case No. 1776 of 2024 dated 04.11.2024 u/s 21(c)/25/27A/29 of the NDPS Act.

-And-

In the matter of : Malek Sk

Mr. Arup Kumar Bhowmick	 Petitioner(s)
	... for the Petitioner(s)
Mr. Somnath Adhikary	... for the State-respondent(s)

The petitioner was arrested on 4.11.2024 and since then he is in custody for more than one year seven months. The investigating agency on conclusion of investigation has submitted charge-sheet on or about 30th April, 2025 and charges have already been framed on 13th August, 2025. However, till date, witness action has not commenced. Learned advocate for the petitioner as such prays that the petitioner may be released on bail on any stringent conditions.

Mr. Somnath Adhikary, learned advocate, appears for the State as per directions of this Court. His appearance may be regularized by the concerned authority.

Learned advocate for the State opposes the prayer for bail and submits that the prosecution has relied upon 11 witnesses in order to prove its case.

I have taken into account the chemical examiner's report which reflects Diacetylmorphine, 6-Monoacetylmorphine, Morphine-3-acetate, Morphine, Acetylcodeine and Codeine.

Having regard to the fact that each of them are contraband and have specific quantification in the schedule to the NDPS Act as also the fact that the same not having been quantified, without entering into the merits of the case but relying upon the judgment of the Hon'ble Apex Court in **[Sentu Seikh v. State of West Bengal [SLP (Crl.) No. 13987 of 2025]**, I am inclined to enlarge the petitioner on bail.

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

Accordingly, the petitioner viz, **Malek Sk** 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 under NDPS Act-cum-Additional District Judge, 4th Court, Malda.

If on bail, the petitioner shall 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) 819 of 2026 is **allowed**.

Memo of Evidence submitted 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.)