

17.06.2026

Court No.35.

D/L. 49.

Kausik

(Rejected)

CRM (NDPS) 836 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of
Criminal Procedure, 1973 in connection with Raiganj Police
Station Case No. 1243 of 2024 dated 11.12.2024 under Sections
21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : Sunil Sah

.....Petitioner.

Mr. Abhimanyu Bannerjee

Mr. Arnab Saha

.....for the Petitioner.

Mr. Gouranga Kumar Das, APP

Mr. Sandeep Prasad Shaw

.....for the State.

Learned advocate appearing for the petitioner submits
petitioner has been implicated in the present case for alleged
recovery of 1.019 Kg. of Brown Sugar. There has been hardly
any progress in the case and in the chemical examiner's report
there are number of contrabands having been seized for which
the judgment of the Hon'ble Supreme Court in **Sentu Seikh vs.
State of West Bengal (SLP (Crl.) No. 13987/2025)** is squarely
applicable.

Learned advocate for the petitioner also emphasizes on
the chemical examiner's report which reflects presence of
Diacetylmorphine, 6-Monoacetylmorphine, Morphine,
Acetylcodeine & Codeine.

The order passed in ***Sentu Seikh vs. State of West Bengal (SLP (Crl.) No. 13987/2025)*** was in the facts and circumstances of the said case and no specific ratio has been laid down by the Hon'ble Apex Court so far as the issue relating to quantification is concerned. Analysis of the chemical examiner's report is a question of fact. The provisions of NDPS Act further states that whole of the substance is to be taken into account when the same has been recovered. The case is not that from each sample recovered, the chemical examiner's report has been different. It is on a composite sample which has been recovered the test has reflected. Consequently, the contrabands so recovered cannot overcome the yardstick of the schedule of the NDPS Act.

Learned advocate for the State submits that the quantum of seizure in the present case is of commercial quantity. The rigors of Section 37 of the NDPS Act is attracted. As such, I am not inclined to release the petitioner on bail.

Accordingly, CRM (NDPS) 836 of 2026 is **dismissed**.

All parties shall act in terms of server copy of the order 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.)