

19.05.2026

Item No.149

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA

CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 932 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with English Bazar Police Station Case No. 971 of 2025 dated 12.05.2025 under Sections 21(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Md. Mostafa and another**

... Petitioners.

Mr. Arup Kumar Bhowmick

... For the Petitioners.

Ms. Arushi Rathore,
Mr. Sayan Mukherjee

... For the State.

The subject-matter of the case relates to alleged recovery of 405 grams of Heroin. Learned advocate appearing for the petitioners submits that the petitioners are in custody for more than a year and prosecution has cited 24 witnesses in order to prove its case; till date, only charges have been framed and witness action has not commenced. It has also been contended that there has been no quantification of the contrabands which have been seized.

Ms. Arushi Rathore, learned advocate, empanelled with the Union of India, is directed to represent the State. Her appointment may be regularised by the concerned authorities.

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

Learned advocate for the State opposes the prayer for bail and submits that there is antecedent of the petitioner no.2.

Be that as it may, some time will be required to take the trial to its logical conclusion. Further, I have taken into account the chemical examiner's report which reflects that the seized quantity contains Diacetylmorphine (Heroin), 6-Monoacetylmorphine, 3-Acetylmorphine and Acetylcodeine. Having considered the period of detention of the present petitioner and the fact that there has been no quantification in the chemical examiner's report, 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 petitioners is **allowed**.

Accordingly, the petitioners viz., 1. **Md. Mostafa** and 2. **Abdul Manan @ Titu** shall be released on bail upon furnishing bond of Rs.20,000/- each, 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 petitioners 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.

Additionally, the petitioners shall once in a fortnight for the next six months meet with the Officer-in-Charge/Inspector-in-Charge of the local police station and

the said condition would continue unless waived by the learned Special Court.

The application for bail, being CRM (NDPS) 932 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.)