

21.05.2026
Serial no. 46
[G.S.D]

CRM (NDPS) 842 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.1179 of 2025 dated 27.06.2025 u/s 21(c)/27(A)/29 of the NDPS Act.

-And-

In the matter of : Rahul Sk

	 Petitioner(s)
Md. Wasim Akram	... for the Petitioner(s)
Mr. Somnath Adhikary	... for the State-respondent(s)

Learned advocate for the petitioner submits that the petitioner is in custody for 329 days and there has been alleged recovery of 539 gm of brown sugar. Learned advocate added that charge-sheet has already been submitted but charges have not been framed.

Mr. Somnath Adhikary, learned advocate, empanelled with the Union of India, appears for the State as per the direction of this Court. His appointment may be regularized by the concerned authority.

Learned advocate for the State opposes the prayer for bail.

I have taken into account the materials appearing in the case diary including the chemical examiner’s report which reflect Diacetylmorphine (Heroin), 6-Monoacetylmorphine, Morphine & Acetylcodeine.

Having considered that each of the aforesaid substances are separate contraband under the schedule to the NDPS Act and the fact that there has been no quantification of the same, I am of the opinion that the principles laid down in [**Sentu Seikh v. State of West Bengal [SLP (Cri.) No. 13987 of 2025]**], for the purposes of bail, is applicable to the present case.

Considering the same, I am inclined to enlarge the petitioner on bail.

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

Accordingly, the petitioner viz, **Rahul 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, 4th Court under NDPS Act, Malda.

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) 842 of 2026 is **allowed.**

Pending application(s), if any, is also disposed of.

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.)