

16.06.2026

Item No.2

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 884 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 Dubrajpur Police Station Case No. 129 of 2024 dated 04.05.2024 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Afroz Khan**

... Petitioner.

Mr. Tapas Kumar Ghosh,
Mr. Tanmay Chowdhury

... For the Petitioner.

Mr. Rajendra Banerjee, APP,
Mr. Saswata Chatterjee

... For the State.

Learned advocate appearing for the petitioner submits that the subject-matter of the case relates to alleged recovery of 1.5 litres of Codeine Mixture. The petitioner is in custody for two years, charge-sheet has been submitted, charges have been framed and prosecution intends to rely upon 24 witnesses in support of its case. It has also been brought to the notice of this Court that the petitioner is suffering from ailments and to that effect, application was taken out before the learned Special Court and the learned Special Court was pleased to direct the petitioner to be treated at a district hospital or at a better hospital.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that there are other antecedents of the present petitioner. Petitioner was

convicted in a case under Section 302 of the Indian Penal Code. Subsequently he had committed offence under the Arms Act for which he was also arrested. Subsequently, petitioner has been shown arrested in connection with the instant case. Additionally, it has been contended that the petitioner was granted bail by the Appeal Court after conviction.

I have taken into account the materials appearing against the petitioner including the quantum of seizure, period of detention and the fact that till date witness action has not commenced. Having considered the totality of the circumstances, without entering into the merits of the case, I am inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Afroz Khan** 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, 1st Court, Suri, Birbhum.

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 Birbhum without prior permission of the learned Special Court.

Since the petitioner is under treatment, petitioner would, if required, appear virtually, but his presence must be available on each and every date before the learned Special Court.

The petitioner shall also inform the Officer-in-Charge, Dubrajpur Police Station in case he is treated outside the district of Birbhum.

The application for bail, being CRM (NDPS) 884 of 2026, is, thus, disposed of.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

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.)