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26.05.2026.
pk/ap

C.R.M. (NDPS) 1121 of 2026

In the matter of: an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 22.05.2026 in connection with Hemtabad Police Station Case No. 309 of 2025 dated 12.09.2025 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

And

In re.: Jaherul Islam.

...Petitioner.

Mr. Srinjan Ghosh.

... For the petitioner.

Mr. Kallol Mandal, Ld. P.P.

Mr. Moyukh Mukherjee.

.... For the State

1. Mr. Ghosh, learned Advocate appearing on behalf of the petitioner, submits that the co-accused persons have been released on bail and that the petitioner has been in custody for five months and five days. He further submits that the petitioner may be enlarged on bail.
2. Mr. Mandal, learned Public Prosecutor, along with Mr. Moyukh Mukherjee, appearing on behalf of the State, opposes the prayer for bail of the petitioner. He submits that the co-accused persons who have been released on bail do not stand on the same footing as the petitioner. He further submits that both the petitioner and his wife are involved in the illegal business of phensedyl syrup. It is also submitted that the petitioner remained absconding for a considerable period of three months and, therefore, should not be enlarged on bail.
3. Heard the learned Advocate appearing on behalf of the respective parties and perused the materials on record.

4. Following the alleged recovery of 228 bottles of phensedyl syrup, the present case was initiated.

5. Admittedly, one co-accused person is on bail.

6. It appears from the records that 16 witnesses have been cited in the charge-sheet and I am informed that the charge has been framed, but the trial has not yet commenced. Therefore, there is no likelihood of the conclusion of the trial in the near future.

7. Noticing this fact and considering the nature and quantum of the contraband articles and the detention of the present petitioner, I am of the view that further incarceration of the present petitioner will not serve any fruitful purpose. Accordingly, the petitioner may be enlarged on bail.

8. Accordingly, the petitioner, ***Jaherul Islam***, shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Raiganj, Uttar Dinajpur, subject to the condition that the petitioner shall remain physically present on each and every date fixed by the learned Special Court, subject to the provisions of Section 355 of BNSS corresponding to Section 317 of the Code of Criminal Procedure, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall also not leave the jurisdiction of the District of Uttar Dinajpur without prior permission of the learned Special Court.

9. In the event the petitioner fails to comply with the aforesaid conditions without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without reference to this Court.

10. The application for bail being C.R.M. (NDPS) 1121 of 2026 is disposed of.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of necessary formalities.

(Partha Sarathi Chatterjee, J.)