

11.06.2026

Item No.24

Ct.No.35

dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1134 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with N 133/2024 arising out of NCB Crime No. 21/NCB/KOL/2024 dated 13.12.2024 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 for violation of prohibition imposed under Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Md Shah Alam**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the Petitioner.

Mr. Gauranga Kumar Das,
Mr. Uttam Basak

... For the NCB.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 13.12.2024. Earlier there were directions of this Court. In spite of the same, nothing has progressed. Learned advocate submits that one of the accused person is absconding and so far as the process against him is concerned, till date the same has not been exhausted and the trial would take substantial time. As such, the petitioner may be released on bail.

Learned advocate appearing for the NCB, on the other hand, opposes the prayer for bail and submits that time was consumed for compliance of the processes involved in proclamation and presently the process of proclamation is over and report has been submitted before the learned Special Court. So far as the order of attachment is

concerned, the same has been forwarded to the learned District Magistrate for giving effect.

Be that as it may, since the process relating to proclamation has been completed, learned Special Court would cross-check the steps taken by the NCB and declare the absconding accused as a proclaimed offender. Thereafter the learned Special Court would proceed with the trial of the case. Within four months from the said date fixed, learned Trial Court would examine the seizure list witnesses. If, after completion of the evidence of seizure list witnesses, the learned Trial Court is of the opinion that threshold of the provision of Section 37 of the NDPS Act has been overcome at the instance of the accused, in that case the learned Trial Court would be at liberty to release the petitioner viz., **Md Shah Alam** on bail on such terms and conditions as it deems fit and proper.

With the aforesaid observations, the application for bail, being CRM (NDPS) 1134 of 2026, is disposed of.

Report submitted by the learned advocate appearing for the NCB 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.)