

18.06.2026
Serial no. 3
[G.S.D]

CRM (NDPS) 1183 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 PTN No. 1719 of 2025, Special Case No. 70 of 2026 arising out of Kaliachawk PS Case No. 1906 of 2025 dated 10.11.2025 u/s 21(c)/25/27A/29 of the NDPS Act, 1985.
-And-

In the matter of : Md. Biru Khan & Ors.

... Petitioner(s)

Mr. Sandip Chakraborty
Mr. Kaustav Das
Mr. Subham Ghosh
Ms. Payel Das

... for the Petitioner(s)

Mr. Gurudas Mitra
Mr. Utsav Dutta

... for the State-respondent(s)

Learned advocate for the petitioners submits that the petitioners have been implicated subsequently in connection with the instant case on the basis of statement of a co-accused and framed seizure has been worked out. Further, learned advocate submits that there are no independent witnesses in the seizure list.

It has also been pointed out that the officer who investigated the case was not empowered under the law, as such, the investigation itself has been vitiated. Learned advocate added that the petitioners are in custody for more than six months. Therefore, he prays that the petitioners may be released on bail on any stringent condition.

Learned advocate for the State submits that there has been a seizure of 1832 gm of brown sugar which is beyond the commercial quantity as prescribed under the law.

According to the learned advocate, so far as the issue relating to seizure is concerned, the same was videographed and the issue relating to independent witness, which has been canvassed before this court, considering the time when the seizure was effected, was not possible. Learned advocate again emphasizes that so far as the authority of the investigating officer to investigate the case is concerned, the same has been dealt with in the judgment of **[H. N. Rishbud v. State of Delhi, (1954) 2 SCC 934]**.

I have taken into account the submissions of the learned advocate for the petitioners which may have force but the same be taken into consideration at the time of final argument of the case after the evidence is placed by the prosecution. At this stage, the issues canvassed by the learned advocate for the petitioners are question of facts - which in a case of huge quantity, cannot be appreciated.

Having considered the quantum of seizure, I am not inclined to enlarge the petitioners on bail.

Hence, the prayer for bail of the petitioners is **Rejected.**

Accordingly, CRM (NDPS) 1183 of 2026 is
dismissed.

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.)