01.10.2026
Item No.467
Ct.No.35
(Rejected)
(Suman PA)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1619 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 in connection with Kaliachak Police Station Case No. 128 of 2026 dated 25.01.2026 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In Re : **Ismail Sk**

... Petitioner.

Mr. Ayan Bhattacherjee, Sr. Adv.,
Mr. Arnab Saha,
Mr. Abhimanyu Banerjee,
Mr. Abdul Nooman

... For the Petitioner.

Mr. Kallol Mondal, Ld. PP,
Mr. Lokesh Sharma,
Mr. Pritam Roy,
Mr. Supreem Naskar

... For the State.

Learned Advocate appearing for the petitioner submits that petitioner was arrested on 18th February 2026 in course of a raid, and pursuant to the same, 597 grams of crude opium was recovered.

It was contended that the recovery was shown from the bedroom of petitioner, and he has been unnecessarily foisted with the present case. Petitioner contends that while the charge-sheet is for alleged recovery of contraband, namely brown sugar, in the seizure list dated 18th February 2026, it has been shown to be that of crude opium.

The recovery in the present case, according to the petitioner, is not on the statement of co-accused but only on

the basis of source information, and cannot be construed as part recovery of the whole contraband of 4.35 kgs of brown sugar, which has been shown to be the subject matter of the charge-sheet in the present case.

There is no link or chain between the recovery of 18th February, 2026 and the initial recovery which was made in the instant case on 25.01.2026.

Learned Advocate has also challenged the weight of the contraband, which also included weight of the container at the time of its recovery. It has been submitted that the chemical examiner's report reflects presence of morphine, codeine, and thebaine.

As such petitioner is entitled to the benefit of the Judgment of Sentu Sk. vs. State of West Bengal (SLP (Crl) No. 13987 of 2025).

Learned advocate for the State opposes the prayer for bail and submits that petitioner fled away to Goa and he was arrested by the investigating agency and was taken on transit remand and produced before the Court at Malda. Out of the 4.35 kgs of brown sugar recovered in the present case, from the bedroom of the present petitioner, 597 grams of brown sugar was recovered. Petitioner is deeply connected with the offence and is a part of the drug cartel operating in the inter-state movement of drugs.

Having taken into account the submissions of the petitioner and the State, I am of the opinion that the judgment of Sentu Sk. (supra) do not apply to the foundational facts of the present case.

In view of the observations made above, I am of the opinion that the rigors of Section 37 of the NDPS Act is attracted in the present case.

As such, prayer for bail of the petitioner is **rejected**.

Consequently, **CRM (NDPS) 1619 of 2026** is dismissed.

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/judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)