05.10.2026
Court No.35.
D/L.05.
Rakib
(Rejected)

CRM (NDPS) 1674 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haringhata Police Station case no. 143 of 2025 dated 09.03.2025 under Sections 20(b)/21(c)/29 of the NDPS Act.

And

In the matter of : Hossain Miya @ Hossain Mia

.....Petitioner.

Mr. Sabir Ahmed
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Gourav Roy

.....for the Petitioner.

Mr. Brojesh Jha
Mr. Subrata Mukherjee

.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody for one year four months and has been implicated in the case without any foundational facts. Petitioner was neither at the place of occurrence nor he was associated with the contraband which has been alleged to be seized from the vehicle. Petitioner further contends that there was no videography of the alleged seizure.

Learned advocate appearing for the State opposes the prayer for bail.

I have taken into account the videograpy issue which from the Case Diary reveals, prima facie, that the same was carried out at the time of seizure. It has also been contended that the petitioner was

carrying on business and the vehicle was registered in the name of the present petitioner from where recovery has been made.

So far as the issue which has been canvassed by the petitioner is a matter of trial. As such, this Court do not intend to pass its opinion on the same at this stage.

However, it has also been contended that more than one year four months petitioner is in custody and till date there has been no progress in the case. As such, learned Special Court is directed to split up the trial of the case, if required and overcome the stage of consideration of charges.

Petitioner would approach this Court after the independent seizure list witnesses and the videographer are examined.

With the aforesaid observations, at this stage, CRM (NDPS) 1674 of 2026 is **dismissed.**

Learned Special Court is also directed to complete the process as directed to above within a period of six months from the date of communication of this order.

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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.)