01.10.2026
Item No.468
Ct.No.35
(Rejected)
(Suman PA)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1924 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 : **Abdul Subhan @ Kicchu**

... Petitioner.

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

... For the Petitioner.

Mr. Kallol Mondal, Ld. PP,
Mr. Soumak Bera,
Ms. Nupur Choudhuri

... 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 from the bedroom of another co-accused and petitioner 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 kg 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 the 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).

State, on the other hand, submits that the subject matter of recovery in the present case relates to total recovery of 4.35 kgs of brown sugar. Petitioner is involved in procuring, processing, supplying, and selling crude brown sugar for monetary benefits. There has been recovery of 597 grams of crude brown sugar from the joint possession of the petitioner.

State submits that the chain of circumstances established in the present case reflects the complicity of the present petitioner, not only in respect of the recovery which has been made of 597 grams, but also the participation in

whole of the process of procuring, purchasing, distribution and selling of drugs.

I have taken into account the submissions of the respective parties, I find that the prosecution has invoked the provisions of Section 29 of the NDPS Act. So far as the applicability of the judgment of the Hon'ble Supreme Court in Sentu Sk. (supra) is concerned, it has been held in the said judgment that the observations and comments are restricted for the purposes of bail in the said case.

As such, the factual circumstances in the said case do not apply to the factual foundation on which the present case is based. In this case some of the co-accused persons had to be arrested from Goa to unearth the chain operating in dealing with drugs.

Having regard to the aforesaid observations, I am of the opinion that rigors of Section 37 of the NDPS Act are attracted in the present case, as such, the prayer for bail of the petitioner is **rejected**.

Accordingly, **CRM (NDPS) 1924 of 2026** is disposed of.

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.)