01.10.2026
Item No.469
Ct.No.35
(Rejected)
(Suman PA)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1970 of 2026

In Re: An Application for bail under 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 : **Md. Wasef Ali**

... Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.
Md. Wasim Akram,
Ms. Sabrina Parveen

... For the Petitioner.

Mr. Kallol Mondal, Ld. PP,
Dr. Rajdeep Biswas,
Mr. Deepak Khetawat

... For the State.

Learned Advocate appearing for the petitioner submits that in the present case, although there has been alleged recovery of 4 kg 350 grams of brown sugar, but from the present petitioner, only 446 grams were recovered. Petitioner is in custody since 26th of January, 2026. In view of the judgment of the Hon'ble Supreme Court in Sentu Sk. vs. State of West Bengal (SLP (Crl) No. 13987 of 2025), petitioner prays for bail as no quantitative analysis has been conducted in the instant case as is reflected from chemical examiner's report.

State opposes the prayer for bail and submits that petitioner is part of a racket. Huge quantity of brown sugar has been recovered. There is an inter-state racket operating in such cartel. The quantity of contraband recovered is of commercial

quantity and the network extends from Goa to West Bengal and Manipur.

I have taken into account the submissions of the respective parties.

I am of the opinion that, so far as the applicability of the judgment in Sentu Sk. (supra) is concerned, in the said judgment itself it has been observed by the Hon'ble Supreme Court that for the purposes of bail such an observation has been made, and not in respect of the merits of the case. Considering the same, I am of the opinion that the foundational facts of the said case is not applicable to the present case. In this case inter-state racket is operating and some of the accused are involved in procuring, selling, supplying, and distribution of such contraband, and there has been recovery from the present petitioner which is above the commercial quantity.

Consequently, the rigors of Section 37 of the NDPS Act is attracted.

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

Thus, **CRM (NDPS) 1970 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.)