07.10.2026
Item No.115
Ct.No.35
dc.
Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1980 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Krishnaganj Police Station Case No. 501 of 2025 dated 23.11.2025 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Sudip Malakar and others**

... Petitioners.

Mr. Sayan Mukherjee,
Mr. Sourav Mukherjee,
Ms. Rimisha Bhadra

... For the Petitioners.

Mr. Ayan Basu,
Mr. Goutam Banerjee

... For the State.

Supplementary affidavit filed on behalf of the petitioners be kept with the record.

Learned advocate appearing for the petitioners submits that the subject-matter of the present case relates to alleged recovery of 1039 bottles of Onrex Cough Syrup and petitioners are in custody from 24.11.2025. The issue canvassed is relating to videography not having been done. The initial information which was furnished reflects that videography was done at the time when the seizure was effected. Petitioner again canvassed that the person who videographed the incident has not been cited as a witness.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail.

I have taken into account the quantum of seizure in the present case and the indication of videography having been done. Charge-sheet has already been submitted, however, charges are yet to be framed. *Prima facie*, the issues which have been canvassed are appearing in the records enclosed by the petitioners themselves. At this stage, I am of the opinion that petitioners have failed to make out a case to dislodge the rigours of Section 37 of the NDPS Act. As such, the prayer for bail of the petitioners is **rejected**.

Learned Trial Court is directed to expedite the process as the petitioners are in custody for about 11 months.

Learned Trial Court would prepone the evidence of independent seizure list witnesses immediately after the stage of consideration of charges is over.

Petitioners would renew their prayer for bail after the evidence of independent seizure list witnesses is over.

The application for bail, being CRM (NDPS) 1980 of 2026, is, thus, 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, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)