02.11.2026
Serial no. **18**
BR
(Rejected)

IN THE HIGH COURT AT CALCUTTA

CRM (NDPS) No. 2378 of 2026

In re: An Application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 40 of 2026 arising out of NCB Crime No. 14/NCB/KOL/2026 under Sections 8 (c), 21 (c) and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985)

-And-

In the matter of : Md. Jahiya Khan

… … Petitioner

Mr. Anjan Prasad Sahu,
Mr. Amit Prasad,

… … For the Petitioner

Mr.Nonigopal Chakraborty,
Mr. Debapriya Samanta

… …For the Union of India

1. The petitioner is a permanent resident of Manipur. The petitioner was arrested as one(1)Kilogram of heroine was recovered from him at Kolkata Railway Station.
2. The petitioner moved a bail application before the learned Additional District and Sessions Judge, 12th Court, Alipore at South 24- Parganas which was rejected on the ground of statutory bar under Sections 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, NDPS Act).

3. The petitioner is in judicial custody for 81 days. The investigation is not yet complete.

4. The petitioner now urges that the petitioner was not communicated the ground of arrest in the language which is known to the petitioner and as such the statutory. The petitioner cites a judgment of Hon'ble Supreme Court delivered on 21st September, 2026 in ***Criminal Appeal No. 4234 of 2026 (Jaskaran Jeet Singh Deol –vs- State of Punjab)***. By relying upon the said judgment, the petitioner says that communicating the grounds of arrest to a detenu in writing is mandatory and the same has to be done in the language understood by the detenu, otherwise the same will be in violation of the provisions of Article 22 (1) and Article 22 (5) of the Constitution. Although, it is a settled provision of law that the detune has to be communicated the grounds of arrest in writing in the language known to him as held in ***1981 (2) SCC 427 (Lallubhai Jogibhai Patel vs. Union of India & Ors.)*** and approved in ***2024(8) SCC 254 (Prabir Purkayastha vs. State (NCT of Delhi)*** and in ***2025 (5) SCC 799 (Vihaan Kumar vs. State of Haryana & Anr.)*** which principles have been elucidated in Jaskaran (supra) but considering the quantity of contraband

seized from the custody of the petitioner, the period of detention, the investigation is contrary and that the petitioner is a residents of Manipur who was arrested with the contraband in Kolkata, this Court is not inclined to enlarge the petitioner on bail as there is every livelihood that the pace of the investigation will be scuttled and there remains a possibility of the petitioner becoming absconding, even if conditional bail is granted.

5. Moreover, the State of Manipur where the petitioner resides is very close to the international border which enhances the risk of the petitioner becoming absconding.
6. The prayer for bail is refused and petition is accordingly rejected.
7. CRM (NDPS) No. 2378 of 2026 is dismissed.
8. Report filed by the State be kept on record.

(Arindam Mukherjee, J.)