

19.01.2026

Item No.29

Ct.No.35

dc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (NDPS) 28 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Baishnabnagar Police Station Case No. 1011 of 2024 dated 22.09.2024 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Rafik Ali @ Rafikul @ Tofajul @ Tafa Sk @ Tafu**

... Petitioner.

Mr. Md. Wasim Akram,
Ms. Sabrina Parveen

... For the Petitioner.

Mr. Koushik Kundu,
Mr. Abhinaba Mukherjee

... For the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody for more than six months and has been implicated on the basis of statement of the co-accused. It has been submitted that the person from whom recovery was effected has already been granted bail after the chemical examiner's report did not confirm to the nature of the contraband seized and although the recovery is a contraband, but the same was initially thought to be heroin, but subsequently it was found to be opium. According to the petitioner, the quantity of opium which was seized is of intermediate quantity and as such, the other accused person was granted bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that petitioner's prayer for bail was earlier rejected. So far as the

complicity of the present petitioner is concerned, his Aadhar Card was recovered at the place of seizure.

Be that as it may, petitioner is better placed than the other accused person who has been granted bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Rafik Ali @ Rafikul @ Tofajul @ Tafa Sk @ Tafu** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Special Court under the NDPS Act-cum-Additional District Judge, 4th Court, Malda.

If on bail, the petitioner shall be physically present on each and every date so fixed by the learned Special Court and shall not leave the jurisdiction of the district of Malda without prior permission of the learned Special Court.

Report submitted by the learned advocate appearing for the State be kept with the record.

The application for bail, being CRM (NDPS) 28 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.)