

17.03.2026

Serial no. 34

[24]

(Bail **allowed**)

***IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI***

CRM(NDPS)/26/2026

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Madarihat** Police Station Case No. **56** of **2025** dated **06.05.2025** under Sections **20(c)/25/29** of the NDPS Act, 1985.

-And-

In the matter of : RAFIQUL ISLAM

... .. Petitioner

*Mr. Sourav Ganguly,
Mr. Gopal Roy,
Ms. Rishita Chakraborty, Advocate
... .. For the Petitioner*

*Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary, Advocates
... ..For the State*

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner was a labourer working at an under-construction house from where, narcotic was seized from the septic tank owned by the house was enlarged on bail.
3. Learned advocate for the State refers to the case diary. He submits that, commercial quantity of narcotic was seized from the septic tank of the under construction building at which the petitioner was working.
4. Apparently, apart from the seizure of the commercial quantity of narcotic from a septic tank of an under construction building and which such building did not belong to the petitioner, no other nexus between the petitioner and the seized quantity of narcotic is established.

5. Owner of the house was granted bail.
6. In absence of any other material in the case diary establishing any nexus between the petitioner and the seized commercial quantity of narcotic, I am of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. Consequently, petitioner is enlarged on bail.
8. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Special Court, NDPS, Alipurduar subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
10. The prayer for bail of the petitioner is **allowed**.
11. CRM(NDPS)/26/2026 is **disposed of**.

(Debangsu Basak, J.)