

15.06.2026
Court No.4
Item No.12
ASR

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

CRM (NDPS) 173 of 2026

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of
the Code of Criminal Procedure, 1973.

And

In the matter of: **Osman Ali**

....Petitioner.

**Mr. Prajnadeepta Roy
Mr. Jaimallya Bhattacharya
Mr. Sabir Ali**

...For the Petitioner.

**Mr. Avrojoyti Das, APP
Mr. Raj Kumar Mitra**

...For the State.

1. The Learned counsel representing the petitioner submits that one of the seizure witnesses is Phonei Sarkar, who is not a reputed person, on the contrary, proceeding under the NDPS Act is continuing against the said person.
2. The learned counsel further submits that the accused petitioner has not been informed as regards to his ground of arrest. He further submits that there has been violation of the rules while sending the samples for Forensic test.
3. He further submits that substance was taken out at random and was sent in two sealed envelopes which is in violation of Rule 11 of the Narcotic Drugs and Psychotropic substances (seizure, storage, sampling and disposal), Rules 2022.

4. Banking upon the facts and circumstances of the case, the learned counsel seeks bail in respect of the petitioner.

5. The learned Public Prosecutor while controverting the prayer for bail has brought to the notice of the Court the seizure list and arrest memo and submitted that the accused petitioner has been informed regarding his arrest.

6. The learned APP further submits that the petitioner has criminal antecedent being Kotwali Police Station case no. 522 of 2022 dated 20th May, 2022.

7. On considering the submission of learned counsels and on perusal of the case diary including the arrest memo, it transpires that 27.185 kgs of Ganja has been recovered. As regards to arrest from the arrest memo, it transpires that the accused petitioner has been intimated as regards to the grounds of his arrest. The learned counsel representing the petitioner has been candid to submit that there is criminal antecedent of the petitioner.

8. Considering the quantity of the substance recovered, seized and also considering his criminal antecedent, this Court is not inclined to grant bail to the petitioner.

9. The application for bail is thus rejected.

10. The case diary is returned to the learned Additional Public Prosecutor in Court today.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)