

15.06.2026
Court No.4
Item No.14
SN

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

CRM (NDPS) 222 of 2026

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case
No. 230 of 2025 arising out of Jaigaon Police Station Case No. 182
of 2025 dated 03.08.2025 under Section 21(C)/25/29 of the
Narcotic Drugs and Psychotropic Substances Act
And

In the matter of: **Subham Saha @ Roni**

....Petitioner.

**Mr. Anirban Banerjee,
Mr. Soumyajit Laskar**

...For the Petitioner.

**Mr. Avrojoyoti Das, APP
Ms. Madhushri Dutta**

...For the State.

1. The learned counsel representing the petitioner submits that 49 bottles of RC-Kuff + cough syrup has been seized from the possession of Mithun Sutradhar and Subham Saha @ Roni. He submits that the petitioner is in custody since 3rd August, 2025, that is, about 307 days. He has further submitted that the co-accused, namely, Mithun Sutradhar has been granted bail on 5th March, 2026. On the ground of parity, the learned counsel seeks bail.

2. The learned APP appearing for the State opposes the prayer for bail and submits that through whatsapp chat, it appears that these persons are habitual offenders.

3. On going through the Case Diary and the records, it appears that the co-accused namely Mithun Sutradhar @ Mithu @ Doctorbabu has been granted bail on 5th March, 2026 after being in custody for 200 days.

4. On query, on behalf of the State it has been submitted that the said order dated 5th March, 2026 has not been challenged.

5. It is evident that the issue of whatsapp call, which has been raised by the learned APP, was within the knowledge of the prosecution on the earlier occasion that is on 5th March, 2026 when the co-accused has been granted bail but the issue was not raised at that relevant point of time and the issue being raised now at a belated stage does not give credence to the prosecution, on the contrary, it is evident that this accused is in custody for more than 300 days and the co-accused has been granted bail.

6. Considering the aforesaid facts and circumstances, the petitioner is granted bail.

7. Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.20,000/- with two sureties of Rs.10,000/- each, of whom one must be local to the satisfaction of the learned Judge, Special Court under the NDPS Act, Alipurduar on conditions that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not leave the jurisdiction of the District of Alipurduar without prior permission of the Trial Court.

8. In the event the petitioner fails to comply with the aforesaid conditions without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without reference to this Court.

9. The Case Diary is returned to the learned Additional Public Prosecutor in Court today.

10. The application for bail is thus disposed of.

11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)