

22.04.2026
Item no.28.
Court No.5.
KAUSHIK

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRR 152 of 2026

In the matter of : Hero Sarkar

.....Petitioner.

Mr. Arjun Chowdhury
Ms. P. Dutta Chowdhury
Ms. Sunayana Parveen
Ms. Riya Agarwala
Mr. Mantu Mondal
Mr. Bappaditya Roy
.....for the Petitioner.

Mr. Sudip Paul
.....for the NCB.

The present revisional application has been filed under Section 528 of the BNSS with a prayer for extension of the period of interim bail granted to the petitioner by the learned Additional Sessions Judge, 1st Court (NDPS), Coochbehar, vide order dated 23rd September, 2025, which stood modified by an order dated 23rd March, 2026 passed in CRR 86 of 2026.

Dr. Chowdhury, learned Advocate appearing on behalf of the petitioner, submits that the petitioner, who is facing trial in NDPS Case No. 46/23 arising out of NCB Crime no. 26/KOL/2023 dated 26th August, 2023 under Section 8(c) read with Section 20(b)(ii)(C) of the NDPS Act, 1985, was granted interim bail by the learned Trial Court by order dated 27th March, 2024. However, in that order, certain onerous conditions were imposed, the petitioner, being unable to comply with the same was compelled to prefer a revisional application being CRR 86 of 2023. He submits that the said revisional application was disposed of and

the certain conditions were modified; however, the interim bail was extended for a period of four weeks.

He further submits that the said four weeks is going to expire on Friday, i.e., 24th April, 2026. The petitioner has already approached the learned Court below with a prayer for extension of interim bail; however, he has been directed to appear on that date i.e. 24.04.2026. He submits that if for any reason the matter is not taken up on that date, the petitioner may again be taken into custody. He further submits that only one witness remains to be examined and thereafter the trial is likely to be concluded. He, therefore, prays that the interim order be extended till the examination of the said witness or till disposal of the trial, or for such further period as may be deemed fit, so that the petitioner is not compelled to remain in custody again.

Mr. Paul, learned Advocate representing the NCB, opposes the prayer and submits that, as per the condition imposed in the order dated 23rd March, 2026 passed in CRR 86 of 2023, the petitioner was required to intimate the place where he would reside after being released on bail. However, such intimation has not been given as yet. He further assures that on 24th April, 2026, the witness will remain present before the Trial Court for examination.

In reply, Dr. Chowdhury refuted such claim and produced a document in support of his contention that the address of the place where the petitioner is presently residing after being released on bail has already been intimated to the learned Court of Chief Judicial Magistrate, Cooach Bihar.

Heard the learned Advocates appearing for the respective parties and perused the case diary.

The record reveals that a Coordinate Bench of this Court had earlier entertained a similar application filed under Section 528 of the BNSS and exercised its jurisdiction to modify the condition of interim bail by an order dated 23rd March, 2025. The operative part of the said order is as follows:

“Considering the above, this Court modifies the conditions of interim bail imposed by the learned trial court on 23.09.2025 as hereinafter. Instead of the bond of Rs. 50 lakhs with three sureties as directed by the learned trial Court, the petitioner shall be released on interim bail for four weeks on furnishing a bond of Rs.30,000/- with three sureties of equal amount each, one of whom must be local. This shall be subject to the satisfaction of learned Chief Judicial Magistrate, Cooch Behar. The onerous condition contained at Clause (d) of the order shall be replaced by a condition that the petitioner shall inform the investigating officer and the trial court about the place where he was going to reside after granting of bail. The rest of the conditions of interim bail, as imposed by the learned trial court shall remain the same.

Learned Chief Judicial Magistrate/Judge-in-Charge, Cooch Behar shall accept necessary documents in this regard within four weeks from this date.”

Indisputably, the said interim order is going to expire on 24th April, 2026 and in such conspectus, the apprehension of the petitioner, that if for any reason the case is not taken up on that date, he may be taken into custody again, cannot be completely brushed aside.

Considering this aspect, this Court is inclined to exercise its jurisdiction under Section 528 of the BNSS and extend the interim bail granted in favour of the petitioner by the learned Trial Court vide order dated 23rd September, 2025, as modified by the order dated 23rd March, 2026 passed in CRR 86 of 2026, for a further period of eight weeks. The

other terms and conditions imposed in the order dated 23rd September, 2025, as modified by the order dated 23rd March, 2026, shall remain unaltered.

With this observation and order, this revisional application is disposed of.

(Partha Sarathi Chatterjee, J.)