CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

16.11.2026
ct 5
sl no.7
DB/CM

C.R.M. (NDPS) 275 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitai P.S. Case No. 117 of 2025 dated 28.05.2025 Sections 21(c) of NDPS Act, corresponding to NDPS Case No. 83/2025.

Rejected

In Re : Nur Islam Miah @ Miya@ Lambu

..... petitioner

Mr. Joydeep Kanta Bhowmick, Adv.
Mr. Sayantan Bhowmick, Adv.
Mr. Jasmin Haque, Adv.

..... for the petitioner

Mr. Avrojyoti Das, Ld. A.P.P.
Mr. Bijay Bikaram Das, Adv.
Mr. Rajdeep Das, Adv.

.... for the State

1. In compliance with the order dated 1st September, 2026 passed by a Co-ordinate Bench of this Court, the Learned Advocate representing the State has placed the report filed by the Inspector In-Charge, Sitai Police Station, District-Cooch-Behar, referring to an order dated 17th August, 2026 passed by the 1st Court of Additional Sessions Judge, NDPS, Cooch-Behar, whereby next date has been fixed on 9th December, 2026 for production and recording of evidence of CSW 1.

2. The Learned Advocate representing the petitioner submitted the petitioner to be in custody for 537 days. Despite filing of charge-sheet, a specific order passed on earlier occasion out of 13 charge-sheeted witnesses none of the same had been examined. He

further relied upon the observation of the Co-ordinate Bench of this Court in CRM(NDPS) 687 of 2026 (**In Re: Milan Rahaman Vs. The State of West Bengal**), whereby the petitioner therein had been enlarged on bail being in custody for 700 days without any witness being examined out of 16 charge-sheeted witnesses.

3. The Learned Advocate representing the State submitted the petitioner to have been involved in a transaction of commercial quantity to the extent of 86 gms. of Yaba Tablets and relied upon an order passed by the Co-ordinate Bench of this Court in CRM(NDPS) 388 of 2026, CRM(NDPS) 337 of 2026, CRM(NDPS) 336 of 2026 and CRM(NDPS) 390 of 2026, whereby through elaborate reasoning the Co-ordinate Bench had rejected the prayer for bail disregarding the period of custody involving seizure of commercial quantity of Narcotic Drugs and Psychotropic Substances Act, 1985 as mentioned in paragraph-15 sub-para (i), (ii), (iii), (iv) and (v) of the aforesaid order.

4. Considering the materials on record including the seizure of commercial quantity of Yaba Tablets as well as custody undergone by the petitioner and the circumstances enumerated in Section-37 of the NDPS Act, this Court is not inclined to grant the prayer for bail.

5. The Trial Court is to expedite the process of recording of evidence of CSW witnesses.

6. The Learned Advocate for the prosecution shall assist the Court in recording the evidence as aforesaid and the Court shall exercise its

powers to initiate stringent measure, if required to get the presence of the witnesses before the Court without granting unnecessary adjournment to either of the parties.

7. The application being CRM(NDPS) No. 275 of 2026 is disposed of.

8. Copy of the order be communicated to the concerned Trial Court forthwith.

9. The case diary be returned.

(Ananya Bandyopadhyay, J.)