

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

29.06.2026
Ct No.5
Item No.5
Ranita/S.K.

CRM (A) 329 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 and corresponding Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In Re: **Rashid Miya**

.....

Petitioner

Ms. Rima Sarkar
Mr. Subham Chanda

....For the Petitioner

Mr. Avrojoyti Das, ld. APP
Mr. Atul Dong

.....For the State

1. Ms. Sarkar, learned advocate appearing for the petitioner has submitted that there is gross discrepancy in averments in the FIR as well as the seizure list, insofar as the place of seizure of the contraband article has been shown differently over there.
2. She indicates, in the FIR though it has been stated that the contraband has been seized from the cow shed of the present petitioner, the seizure list the contraband is shown to have been seized from the house of the present petitioner.
3. Due to the discrepancies as above, according to the petitioner, the rigors of Section 37 of the NDPS Act are not

attracted in case of the present petitioner. Ms. Sarkar also refers to the earlier order dated 7.1.2026 of this Court, in which the Court has released other accused persons of the case on bail.

4. On behalf of the State, there is serious objection for the reasons, inter alia, that the present applicant is the principal accused person of the case, from whose cow shed, the contraband has been seized.
5. Mr. Das, learned advocate appearing for the State has submitted that the discrepancy as pointed out on behalf of the petitioner, is neither significant, nor fatal in nature. So he submits that cow shed is only the extension of the house of the present petitioner and its integral part. Mr. Das has further submitted that the Court's earlier order cannot help the petitioner, as the present petitioner, being the principal accused person stands on different footing than those others
6. The submission as above of the State raised confidence in so far as, the contraband appears to have been seized from the house/cow shed of the present petitioner and his involvement is prima facie apparent.
7. In such view of the fact and considering the stringent provisions of the statute governing the present case, the Court is not inclined to allow the petitioner's prayer.
8. The petitioner's bail prayer is rejected.

(Rai Chattopadhyay, J.)

