06.10.2026
Sl. No.84
Mithun
Ct no. 5
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 485 of 2026

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 passed in NDPS Case No.55 of 2025 passed by the Additional Sessions Judge, 2nd Court (NDPS)., Darjeeling in connection with Matigara P.S. Case No.283 of 2025 dated 01.05.2025 under Sections 21(c)/25/29 of NDPS Act.

And

In the matter of : **Alima Khatun & Anr.**

.... Petitioner

Mr. Soubhik Mitter,
Mr. Saikat Chatterjee,
Mr. Purba Chakraborty,
Mr. Tathagata Banerjee

...for the Petitioner

Mr. Avrojyoti Das, APP,
Mr. Urgen Lama,
Mr. Abhilash Mittal

...for the State

The petitioners are female accused and they have been apprehended with an allegation of recovery of suspected brown sugar to the tune of 3.852 kg from the alleged joint conscious possession of all the accused persons when a vehicle being registration No.WB/77A-2526 was intercepted. The seizure list prepared by the concerned arresting officer reveals that the said contraband was recovered from the conscious possession of the 7 accused persons. However the story of the prosecution in respect of the conscious possession of the petitioners is concocted and has been planted with mala fide intention. He further submits that after conclusion

of investigation, charge sheet already been submitted on 13.04.2025 but till date charge hearing has not been conducted. He further submits that total 8 persons have been charge-sheeted, out of which one lady accused person has been granted bail on health issues. The petitioners have also health issues and they are almost on the same footing with the other two lady accused, who are on bail.

He further pointed out that though the inventory of the contraband was done on 2nd May, 2025 but 15 days thereafter it was sent to CFSL. Prosecution proposes to examine 17 witnesses and, as such, there is hardly any chance of early disposal of the case. Petitioners are in custody for about one year five months and five days. Therefore, they may be released on bail on any terms and conditions. Petitioners in support of their contention relied upon a judgement of ***Najrul Islam @ Najbul Hoque Vs. The State of West Bengal*** dated 3rd January 2024.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that during investigation, the allegations have been *prima facie* established against the present petitioners.

Having heard learned Counsel for the petitioners and the State and that from the seizure list it discloses that the rigors of Section 37 of the NDPS Act clearly attracts in respect of the present petitioners, the prayer for bail made by the petitioners is **rejected**.

However, Trial Court is directed to expedite the hearing of the case and to make his best endeavour to conclude the charge hearing, preferably within a period of three months from the date of communication of this order. If the charge hearing could not be conducted within the period prescribed herein, the petitioners will be at liberty to renew their bail prayer.

Accordingly, CRM (NDPS) 485 of 2026 is **disposed of.**

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)