10.11.2026
Item No. 15 JPD
Ct. No. 07
Sws.M/ RUP

The High Court at Calcutta
In the Circuit Bench at Jalpaiguri

CRM (NDPS) 507 of 2026

In Re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sitalkuchi PS Case No. 187 of 2025 dated 26.04.2025 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Samrat Mandal** ..... petitioner

Mr. Sabir Ahmed
Mr. Hillol Saha Poddar
Mr. Dhiman Banerjee
....for the petitioner

Mr. Avrojyoti Das, Ld. APP
....for the State

1. Mr. Ahmed, learned advocate appearing for the petitioner, submits that the instant case is a glaring instance of police atrocities. He contends that, owing to an altercation between the petitioner and a civic volunteer, the petitioner has been falsely implicated in the instant case. Placing heavy reliance upon the depositions of the prosecution witnesses recorded in the course of trial, he submits that the said depositions lend support to the petitioner's contention of false implication. In such facts and circumstances, he argues that the continued detention of the petitioner would amount to nothing short of pre-trial punishment.

2. Mr. Das, learned Additional Public Prosecutor representing the State, produces the case diary and opposes the prayer for bail on

the basis of the materials contained therein. He submits that the names of the prosecution witnesses as reflected in the depositions do not tally with those recorded in the charge-sheet. He, therefore, contends that a question arises as to whether the persons who deposed during the trial are the very same persons who were cited as witnesses in the charge-sheet. In support of his contention that a conviction can be founded upon the testimony of official witnesses notwithstanding the fact that independent witnesses have turned hostile, he places reliance upon a decision reported in 2026 LiveLaw (SC) 705 (Mehboob Shah v. State of Madhya Pradesh).

3. Heard learned advocates for the respective parties. Perused the materials on record placed before me including the CD.

4. In the present case, the petitioner has been implicated on the allegation of recovery of contraband article namely, Ganja from the courtyard of the petitioner.

5. The petitioner has been in custody for more than one year. Fifteen witnesses have been cited in the charge-sheet. From the trend of the oral evidence adduced by the prosecution, particularly the testimony of the independent witnesses, including the seizure witnesses, it appears that their depositions, as recorded so far, have not lent support to the prosecution case.

6. There is no quarrel with the proposition that a conviction can be founded upon the testimony of official witnesses, provided their evidence is found to be trustworthy and reliable.

7. However, having regard to the evidence of the seizure witnesses and other independent witnesses recorded so far in the present case, the prolonged incarceration of the petitioner and the fact that there is no likelihood of an early conclusion of the trial, I am inclined to grant bail to the petitioner, subject to such conditions as may be imposed.
8. The petitioner, namely **Samrat Mandal**be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), subject to the satisfaction of the learned Additional Sessions Judge, 1st Court under NDPS, Cooch Behar.
9. The petitioner shall not leave the jurisdiction of the concerned district without prior permission of the Investigating Officer.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.)