

16.02.2026

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Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (NDPS) 461 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Pradhannagar Police Station Case No. 777/24 dated 05.12.2024
under Sections 21(c)/22(c)/29 of the Narcotic Drugs and
Psychotropic Substances Act.

And

In Re : Nur Alam Momin

Mr. Sourav Ganguly

Naser Ali

Mr. Gopal Roy

Mr. Rajan Ray

Ms. Rishita Chakraborty

... For the Petitioner.

Mr. Ujjwal Luksom

Mr. Bhaskar Das

... For the State

Heard learned counsels for the parties.

The petitioner is in custody for more than 400 days and
renews his prayer for bail primarily on the ground of non
compliance of Section 42 of the NDPS Act. Learned counsel for the
petitioner places reliance on the authorities in *Sarija Banu @
janarthani @ jananai and another vs. State* through Inspector of
Police reported in (2004) 12 Supreme Court Cases 266 and
Karnail Singh vs. State of Haryana reported in (2009) 8 Supreme
Court Cases 539 in support of his contention.

It is not in dispute that Section 42 of the NDPS Act which is mandatory as observed by the Hon'ble Supreme Court from time and again has not been complied with. It is a fact that contraband substance of commercial quantity has been recovered from the joint possession of the petitioner and another.

In view of non compliance of Section 42 of the NDPS Act, the petitioner is entitled to be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Nur Alam Momin shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court NDPS Act, Siliguri subject to condition that he shall remain within the jurisdiction of the learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (NDPS) 461 of 2025 is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)