5.10.2026
16
SB
Ct no. 5
Rejected

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 598 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 121 of 2025 arising out of Sahebganj Police Station case no. 236 of 2025 dated 30.4.2025 under Sections 221/224/132/121(1)/3(5) of the NDPS Act 1985.

And

In the matter of : **Nurbanu Bibi**

.... Petitioner

Mr. Subham Ghosh
Mr. Mayank Roy ...for the Petitioner

Mr. Avrojyoti Das, Ld. APP
Mr. Gobinda Saha
Mr. Atul Dong ...for the State

Learned counsel for the petitioner submits that the present petitioner is a female accused and she is in custody for about 523 days. Though the charge-sheet has been submitted against her on 15.10.2025 but the Trial court has not yet conducted charge hearing and as such, nobody knows when the trial would be concluded. He further submits that the petitioner is a first time offender and therefore, the rigours laid down in Section 37 of the NDPS Act could be relaxed to an extent and the petitioner may be released on bail specially when the alleged recovery was made from the petitioner, is marginally above the commercial quantity.

Learned counsel for the State opposed the bail prayer contending that commercial quantity of narcotic substance was recovered from the possession of the present petitioner. He further submits that the co-accused, who is on bail and is not on the same footing as no recovery was made from him. He further submits that other accused persons of this case are absconding and for which, the charge hearing could not be conducted and if the present petitioner is release on bail, there is serious chance of her abscondance.

Having heard learned counsel for the petitioner and the State, and that the rigour under Section 37 of the NDPS Act clearly attracts in respect of the present petitioner, the prayer for bail is considered and rejected.

However, it appears from the record that the charge-sheet was submitted about one year back but the Trial court has not yet conducted charge hearing in respect of the present petitioner. Therefore, the Trial court is directed to split the case record in respect of the available accused persons including the present petitioner and to conduct the charge hearing preferably within a period of 60 days from the next date of hearing.

If the charge hearing could not be conducted by the Trial court within that period, the petitioner will be at liberty to renew her bail prayer.

Accordingly, CRM (NDPS) 598 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.)