

**12.02.2026**

Item No.71

Ct.No.5

b.das

**Allowed**

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

**C.R.M. (NDPS) 505 of 2025**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj Police Station Case No. 301 of 2025 dated 28.05.2025 under Sections 21(c)/29 of the NDPS Act.

And

In Re : **Endadul Miya @ Haque**

... Petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

... for the Petitioner

Mr. Bhaskar Das

Mr. Kallol Nag

... For the State

The petitioner complains of violation of his fundamental rights under Article 21/22 of the Constitution of India.

It appears from the material on record that contraband exceeding commercial quantity has been recovered from the possession of the petitioner. However, though the petitioner was arrested on 27<sup>th</sup> May, 2025 he was produced before the learned Magistrate on 31<sup>st</sup> May, 2025, that is, well beyond the statutory period of time.

In explaining such delay, the investigating officer has recorded that the petitioner was take for routine medical

checkup on 28<sup>th</sup> May, 2025 and was admitted at the hospital due to high blood pressure. After his release therefrom on 31<sup>st</sup> May, 2025, he was produced before the jurisdictional Magistrate. There is no explanation as to why the investigating officer did not take steps for production of the petitioner through the virtual mode within 24 hours of his arrest.

In view of the above, this Court is inclined to hold that such delay in production of the petitioner beyond the statutory period of time amounts to violation of his fundamental right under Article 21/22 of the Constitution of India. Despite the grievous nature of the offence, the petitioner is released on bail solely on such score.

Accordingly prayer for bail is allowed.

The petitioner **Endadul Miya @ Haque** 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 Special Judge (NDPS), Coochbehar cum learned Additional Sessions Judge, 1<sup>st</sup> Court, Coochbehar subject to condition that he shall remain within the jurisdiction of the learned Trial Court and shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause,

the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM 505 of 2025 is, thus, disposed of.

Case Diary be returned.

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

**(Suvra Ghosh, J.)**