06.10.2026
Sl. No.234
Mithun
Ct no. 5
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. (NDPS) 629 of 2026

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No.51 of 2026 under Section 21 (c)/22 (c)/25/29 of NDPS Act, 1985 arising out of Siliguri Police Station Case No.206/2026 dated 08.04.2026 pending before learned Judge, Special Court (NDPS) at Siliguri.

And

In the matter of : **Md. Murad Ansari**

.... Petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Lohani

...for the Petitioner

Mr. Avrojyoti Das, APP,
Mr. Bijay Bikram Das,
Mr. Rajdeep Das

...for the State

The petitioner has prayed for bail mainly on the ground that there is significance variance in the weights of the contraband between the seizure list and the charge-sheet submitted by the prosecution.

It is submitted on behalf of the petitioner that in the seizure list, description of the schedule articles has been given as below:-_

(1) One transparent plastic packet containing 0.530 gm suspected to be Brown Sugar and marked as Exhibit-'A'.

(2) One transparent plastic packet containing 0.520 gm suspected to be Brown Sugar and marked as Exhibit- 'B'.

Therefore, if the said seizure list is taken to be sacrosanct, it comes within small quantity. However, the quantities mentioned in the charge-sheet if taken into consideration it states as follows:-

(1) One transparent plastic packet containing 530 gm suspected to be Brown Sugar and marked as Exhibit-'A'.

(2) One transparent plastic packet containing 520 gm suspected to be Brown Sugar and marked as Exhibit 'B'.

Therefore, if the quantity shown in the charge-sheet then it comes within commercial quantity and the rigors of Section 37 of the NDPS Act attracts. He further submits that the seizure was allegedly made on 08.04.2026 but the inventory was done on 2nd June, 2026, i.e. after two months from the recovery and six days thereafter it was sent to forensic science laboratory for examination. Therefore, there is sufficient reason to believe that the prosecution has added the contraband while it was kept for inventory. Therefore, petitioner submits that since there is a stark difference in the total weight of the contraband allegedly seized from the petitioner, the benefit of doubt should go in favour of the petitioner and thereby he may be released on bail since the

seized contraband does not come within the purview of commercial quantity.

Learned Counsel appearing on behalf of the State vehemently opposed the bail prayer and contended that it is true that police officer who had prepared the seizure list has wrongly noted the weight of contraband substance as '0.530' gm and '0.520' gm in the seizure list but it is palpably a clerical mistake in view of the fact that the FIR which was lodged on 08.04.2026 clearly discloses that the contraband recovered from the possession of the petitioner was 530 gm in one packet and 520 gm in another packet. Furthermore, the inventory was done on 2nd June, 2026 by the Judicial Magistrate, 1st Court, Siliguri which discloses that the weight of the contraband marked 'Exhibit-A is weighed before him is 537.330 gm and 'Exhibit-B' which was also weighed before him is 525.580 gm.

In this context, learned Counsel appearing on behalf of the State further submits that the issue relating to procedural irregularities like inventory and about sending the contraband to the CFSL can always be the subject matter of trial but cannot be considered at this stage while dealing with an application under Section 37 of the NDPS Act. Therefore, he prayed for rejection of the bail prayer.

Having heard learned Counsel for the petitioner and the State and that *prima facie* materials collected during investigation discloses offence against the present petitioner,

I find that rigors of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case. Therefore, prayer for bail is considered and rejected.

However, Trial Court is requested to expedite the hearing of the case and to make his best endeavour to conclude charge hearing preferably within a period of three (3) months from the next date of hearing.

Accordingly, CRM (NDPS) 629 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.)