

20.02.2026

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jb.

jdt.

Allowed

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

C.R.M. (NDPS) 610 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Pundibari
Police Station Case No. 478 of 2025 dated 26.05.2025 under
Sections 21(C)/25/28/29 of the Narcotic Drugs and Psychotropic
Substances Act.

And

In Re : Dulal Sarkar & Anr.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
Ms. Rishita Chakaborty
Mr. Bibhash Kr. Nandi

... For the Petitioners.

Mr. Nilay Chakraborty
Mr. Kallol Nag

... For the State

The petitioners pray for bail on several counts.

Search and seizure have not been videographed. There has
been no compliance of Section 42 of the NDPS Act. Though seizure
list demonstrates that RC-Kuff + cough syrup was seized from the
petitioners, the samples sent for forensic examination were of RC-
Kuff and Novitas which are distinct and different from the articles
seized. Also, the articles placed before the learned Judicial
Magistrate for issuance of certification of correctness of inventory
differ from the one's seized. These discrepancies have not been
explained in the charge sheet.

In view of the discrepancies/contradictions that appear on the face of the record, this Court is inclined to hold that rigours of Section 37 of the NDPS Act are diluted and the petitioners may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioners namely Dulal Sarkar and Bapan Das shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Sessions Judge, 1st Court, (NDPS), Cooch Behar subject to condition that they shall remain within the jurisdiction of the learned trial Court and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. The petitioners shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

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

CRM (NDPS) 610 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.)