

24.03.2026
Item No.1
Court No.7
CHC
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(NDPS) 639 of 2025

In Re:- An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023; in connection with NDPS
Case No-85 of 2023, New Jalpaiguri Police Station Case No.931
of 2023 dated 25.09.2023, under Sections 21(c)/22(c)/23(c)/29
of the Narcotics Drugs and Psychotropic Substances Act, 1985.
And

In the matter of : **Md. Rafikul Haque**

..... petitioner

Mr. Saikat Chatterjee, Advocate
Ms. Purbasha Sarkar, Advocate
Mr. Tathagata Banerjee, Advocate

...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Chattu Roy, Advocate

...for the State

1. Petition for bail is taken up for consideration subsequent
to the order dated March 17, 2026.
2. Petitioner is in custody in excess of 912 days. Prosecution
Witness no.1 is yet to be cross-examined.
3. It appears from the record that, the prosecution witness
no.1 did not attend Court on April 3, 2025, June 5, 2025,
July 21, 2025, December 20, 2025 and February 20,
2026.
4. Prosecution Witness No.1 is the de facto complainant. He
is a police personnel and present in Court. Explanation of
the de facto complainant for his absence at the trial is

that, he did not receive any summons subsequent to September 23, 2025.

5. Learned advocate appearing for the petitioner relies upon server copies of the orders passed by the trial Court which speaks of issuance of summons.
6. In view of the period of custody that the petitioner is suffering and considering the fact that, there are about 10 prosecution witnesses which remains to be examined and considering the conduct of the prosecution and considering the overarching requirement of the Article 21 of the Constitution of India, it is deemed fit and proper that, the petitioner be released on bail.
7. Accordingly, I direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under NDPS Act), 1st Court, at Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
8. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

9. Learned Trial Judge is requested to take suitable measures as against the P.W.1 with regard to his stand that, he did not receive any summons for the dates as noted in this order. If found that, such statement is incorrect, learned Trial Judge is requested to initiate appropriate proceedings against the de facto complainant.
10. The application for prayer for bail is allowed.
11. **CRM(NDPS) 639 of 2025** is **disposed of**.

(Debangsu Basak, J.)