10.11.2026
Item No.9
Ct. No. 7
nb/AKG
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM(NDPS) 687 of 2026

In Re.: An application for bail under Section 483 of the B.N.S.S. 2023 (Corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with NDPS Case No. 117/2024 arising out of Dinhata Police Station Case No.619 of 2024 dated 08-12-2024 under Sections 21 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of: **Milan Rahaman**

..... Petitioner.

Mr. Prajnadeepta Roy
Ms. Sohini Kundu
Mr. Sabir Ali

..... For the Petitioner.

Mr. Avrojyoti Das
Mr. Rajdeep Das

.....For the State

1. Learned advocate appearing for the petitioner submits that the petitioner has been in custody for the last 702 days. On an allegation of recovery of only 100 bottles of Phensedyl Cough Syrup from the possession of the petitioner, the petitioner has been implicated in this case. He submits that 16 persons have been cited as witnesses in the charge sheet and that, till date, not a single witness has been examined. He further submits that there is no likelihood of an early conclusion of the trial. In such facts and circumstances of the case, the petitioner is entitled to be enlarged on bail.
2. Learned advocate appearing for the State produces the Case Diary and opposes the prayer for bail.

3. Heard the learned advocates appearing for the respective parties and perused the Case Diary and other materials on record.

4. In the present case, the petitioner has spent more than 700 days in custody and, till date, not a single witness has been examined, although 16 persons have been cited as witnesses in the charge sheet. Therefore, there is no possibility of an early conclusion of the trial. In such circumstances, prolonged incarceration of the petitioner militates against his fundamental right guaranteed under Article 21 of the Constitution of India. Accordingly, the constitutional right overrides the statutory embargo created under Section 37 of the NDPS Act in the present case.

5. Accordingly the petitioner, namely, **Milan Rahaman** shall be released on bail upon furnishing a 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 learned Additional District & Sessions Judge, 1st Court (NDPS), Sadar, Cooch Behar. The petitioner shall attend the Trial Court of each and every occasion as and when required and the petitioner shall not leave the territorial jurisdiction of the District Cooch Behar without the leave of the learned Trial Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

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

(Partha Sarathi Chatterjee, J.)