In THE HIGH COURT AT CALCUTTA

In the Circuit Bench at Jalpaiguri
(Appellate Side)

10.11.2026
Ct. No. 7
SL No. 37
NB/SB

C.R.M. (NDPS) 707 of 2026

In Re: - An application for bail under Section 483 of B.N.S.S. 2023, in connection with an Order dated 11.3.2026 passed by the learned Judge, Special Court, Dist. – Darjeeling, in C.R. N.D.P.S. Case No. 71 /2025 pending before the learned Judge, Special Court at Siliguri (under the N.D.P.S. Act), Darjeeling arising out of Phansidewa P.S. Case No. 232/2025 dated 30.5.2025 under Sections 21(c)/29 of the N.D.P.S. Act, 1985.

And

In the matter of: Md. Mustaf Ali @ (M)

Mr. Sourav Ganguly,
Mr. Naser Ali. ... for the petitioner

Mr. Avrojyoti Das, ld.APP.,
Mr. Nigam Mittal. ... for the State

1. Mr. Ganguly, learned advocate appearing on behalf of the petitioner, submits that the petitioner has been implicated in this case following an allegation of recovery of more than 2 kgs. of Brown Sugar. He submits that the charge sheet was submitted on 12.11.2025, but till date, only one witness has been examined in part. He further submits that the petitioner has been in custody for more than one year and six months and that there is no possibility of an early conclusion of the trial. In such facts and circumstances, he prays for bail for the petitioner.
2. Mr. Das, learned Additional Public Prosecutor representing the State, produces the case diary and vehemently opposes the prayer for bail of the petitioner on the basis of the materials available in the case diary.

3. Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary, placed before me.
4. Here, an allegedly huge quantity of contraband articles was recovered from the possession of the petitioner. The chemical analysis report also indicates that, upon chemical examination of the substance allegedly recovered from the petitioner, Morphine or Codeine, which are covered under the N.D.P.S. Act, were found therein. Therefore, taking into account the quantity of the contraband articles seized and in the absence of any material to overcome the rigours of Section 37 of the N.D.P.S. Act, I am not inclined to enlarge the petitioner on bail.
5. However, the petitioner shall be at liberty to renew his prayer for bail after the examination of the seizure list witnesses is over.
6. With the above observations and directions, the application for bail is, thus, dismissed.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties upon compliance with all requisite formalities.

(**Partha Sarathi Chatterjee, J.**)