

T. R Case No. 14 of 2026
CNR No. WBHW01-001840-2026

Order No. 08 dated: 29.06.2026

Today is fixed for production and I/O's report.

Sole accused person namely Kebirsuddin Sk is produced from Howrah District Correctional Home.

No report is received from the I/O.

Ld. Regular P.O is "Leave On Duty" vide order No. 134/WBJA/P-46/2026-27 dated 12.05.2026 by the Ld. Director, WBJA, Rajarhat, New Town, Kolkata.

In the instant case NCB has filed a petition praying for re-testing of the sample seized in connection with this case banking upon the report submitted by the scientific expert.

The NCB Authority submitted that the scientific expert could not provide final and conclusive chemical examination report, rather, suggested second opinion pursuant to re-testing the original seized sample through any other scientific laboratory and accordingly, as per the suggestion of the scientific expert, the re-testing of sample through other scientific laboratory is sought for by the NCB.

The Ld. Defence Counsel raises vehement objection against by the petition filed by NCB contending that re-testing of sample collected in connection with NDPS cases is not permissible as per law, and, as such, the petition filed by NCB should summarily be rejected.

Chemical examination report in connection with NDPS cases is the core document for forming prima facie opinion regarding nature and character of the article seized.

In the instant case, the scientific expert after giving opinion that presence of heroin in original sample (S-1 and S-2) could not be ascertained, further stated that possibility of presence of other narcotic drugs cannot be ruled out and therefore, the sample may be forwarded to other laboratories for exact identification and characterization. So, scientific expert could not give final and conclusive opinion as to whether or not there is existence of other narcotic substance in the sample collected in connection with this case.

When the scientific expert could not provide final and conclusive opinion, the court cannot be jump into conclusion about the nature and character of the original sample (S-1 and S-2) collected and seized in connection with this case.

In this regard, this court is not unmindful that as per NDPS Act, there is no provision as regards second re-testing of same sample, but in the case in hand, expert without giving any final and conclusive opinion does not rule out the possibility of existence of other narcotic drugs in the sample and thereby opined that the sample may be sent to other laboratory for exact identification and characterization, So, this is an exceptional circumstances.

During the course of investigation it is the bounden duty of the court to ensure that truth should be unveiled. So, without the original sample should be re-tested as per the opinion of the expert, truth cannot be unveiled regarding nature and character of the original sample which is prima facie basis of offence under NDPS Act.

In view of the noted facts and circumstances the petition filed by the NCB Authority should be allowed.

Hence, it is

ORDERED

that the original sample (S-1 and S-2) may be sent for re-testing through other laboratory.

Judge, Spl Court under NDPS Act,

Dict & corrected by me
Incharge

Judge, Spl Court under
NDPS Act, Howrah.
Incharge

Later Dated : 29.06.2026

Now. one bail petition is filed on behalf of the accused Kebirsuddin Sk.

Copy of the bail application is served upon the Ld. Counsel for the Prosecution.

Perused the bail prayer as well as other materials on record.

Heard the Ld. Counsel for the accused/petitioner as well as Ld. Counsel for the Prosecution.

The Ld. Counsel appearing on behalf of the accused/petitioner submits before this Court that the accused/petitioner has been detained in custody since 07.04.2026 and he has been falsely implicated in this case and he did not file any bail application u/s. 482/483 of BNSS before the Hon'ble High Court Calcutta and that he will not abscond from the process of the court, if granted bail.

The Ld. Special P.P. NCB raises voice of objection.

Having considered the submissions of the Ld. Advocate of the accused person, objections of the Ld. Special P.P. NCB, taking note of recovery of contraband (1.032 kgs heroin) narcotic substance, which is commercial in quantity, from the possession of accused person and having considered the rigours of law as envisaged in section 37 of NDPS Act, the bail prayer stand rejected.

J/C accused person is remanded to J/C till next date.

Fix **10.07.2026** for production and I/O's report.

Judge, Spl Court under NDPS Act,

Dict & corrected by me
Incharge

Judge, Spl Court under
NDPS Act, Howrah.
Incharge