

**NDPS Case No. 59 of 2025**  
**CNR No. WBUD01-00-3342-2025**  
**Under Section 21(c)/29 of NDPS Act**  
**State**

**Versus**

**Halim Sk (A1), Emajuddin Sk (A2) & Sushanta Rabidas (A3)**

**Order No. 12**  
**21.02.2026**

- 1) Today is fixed for production of CD and hearing of the prayer for bail dated 17.02.2026.
- 2) Today another application for bail is filed on behalf of accused A1, A2 & A3.
- 3) This Court does not know where filing of consecutive bail application, during pending of a similar prayer, strengthen the ground of bail or not.
- 4) However, Learned PP-in-charge is present with CD.
- 5) Prayer for bail are taken up for hearing.
- 6) Heard both sides.
- 7) Perused the materials on record as well as CD.

**RIVAL SUBMISSIONS**

- 8) Learned Lawyer appearing for the accused/petitioners, has raised the following points –
  - a) His clients are in custody since October, 2025;
  - b) His clients are impleaded in this case falsely; and
  - c) His clients have permanent place of residence which negates the chance of their decampment.
- 9) Learned P.P in charge has made sibilant opposition and raised the following points–
  - I. Much more than *commercial quantity* of *Heroin* is lying seized in this case recovered from the conscious possession of the accused/petitioners.
  - II. Releasing the accused/petitioners on bail would trammel the process of investigation;
  - III. There is statutory restriction under Section 37 NDPS Act.

**DISCUSSION AND DECISION**

10) This Court, before adverting to the ultimate determination, proceeds to delineate the following considerations, each of which bears decisive and determinative significance in the assessment of the merit of the prayer seeking enlargement on bail-

- A) A commercial quantity of contraband, namely **296 grams of heroin**, is alleged to have been recovered from the conscious possession of the accused-petitioners, thereby attracting the rigours of the statutory framework governing offences of grave magnitude.
- B) The materials reflected in the case diary, at least prima facie, disclose the contours of an organized and concerted syndicate allegedly operated by all the accused persons in furtherance of the criminal activity in question, suggesting that the offence is not an isolated aberration but part of a structured unlawful enterprise.
- C) It scarcely requires reiteration that offences punishable under the NDPS Act carry consequences that transcend the individual offender and penetrate deeply into the societal fabric.
- D) The menace of narcotic substances has assumed alarming proportions, corroding the moral vitality of communities, ensnaring the vulnerable youth, and generating a cycle of dependency and crime whose ramifications are often irreversible.
- E) Courts, therefore, cannot remain oblivious to the wider social injury that flows from such offences while exercising judicial discretion.

F) In the present case, nothing has been brought on record which may reasonably persuade this Court to lift the statutory embargo envisaged under Section 37 of the NDPS Act.

G) In the absence of material satisfying the twin conditions mandated by law, the rigours imposed by the legislature continue to operate with full force, leaving no scope for judicial indulgence at this stage.

11) For the above reasons, prayer for bail, filed sans merit, deserves rejection which this Court directs.

12) To date (**26.02.2026**) for production and IO's report in final form.

13) CD be returned.

D/C by

Judge, Special Court,( NDPS Act),  
1<sup>st</sup> Court, Raiganj, Uttar Dinajpur.

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1<sup>st</sup> Court, Raiganj, Uttar Dinajpur.