

18.03.2026
Serial no. 34
[Dd]

***IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI***

CRM(NDPS)/189/2026

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mathabhanga** Police Station Case No. **168** of **2025** dated **08.03.2025** under Sections **20(b)(ii)(c)/25/29** of the NDPS Act, 1985.

-And-

**In the matter of : SUBHASH SARKAR@SUBHASH
SARKAR**

... ..Petitioner

Mr. Sandip Guha Roy, Advocate

... .. For the Petitioner

Mr. Abhijit Sarkar,

Mr. Tapan Bhattacharjee, Advocates

... ..For the State

1. While dealing with bail of the co-accused being CRM (NDPS) 467 of 2025, co-ordinate Bench, passed an order dated February 19, 2026 holding that, provisions of Section 42 of the NDPS Act, 1985 were not complied with by the arresting officer.
2. Inspector General of Police will submit a report as to whether:-
 - (i) police were accepting such finding as correct
 - (ii) if not, then the steps taken with regard thereto
 - (iii) if yes, then why no disciplinary proceeding was initiated as against the arresting officer, in view of the judicial finding that the provisions of Section 42 of the Act of 1985 stood violated. In the event, he, on perusal of the case diary is of the view that, the provisions of the Act of 1985 stood complied with, then he will state in his report as to why State did not apply for cancellation of the bail of such co-accused.
3. List the application on March 23, 2026 when the report as called for be submitted.

4. This order be communicated by the learned advocate for the State to the jurisdictional Inspector General of Police, for compliance.

(Debangsu Basak, J.)