

27.03.2026

Serial no. 8

Court No.7

[CHC]

(At 2 PM)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

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
SARKARPetitioner**

*Mr. Sandip Guha Roy, Advocate
... .. For the Petitioner*

*Mr. Joyjit Chowdhury, AAG
Mr. Abhijit Sarkar, Advocate
Mr. Tapan Bhattacharjee, Advocate
Mr. Saikat Chatterjee, Advocate
... ..For the State*

1. In the first half when the application was taken up for consideration, on the prayer of the learned Additional Advocate General, presence of the jurisdictional Superintendent of Police was directed.
2. Jurisdictional Superintendent of Police appears on the virtual platform. He apprises this Court of the Steps that he took and proposes to take as against the concerned Sub-Inspector of Police. He seeks time to submit a further report.
3. Mr. Saikat Chatterjee, learned advocate appearing for the State with the permission of the learned Additional Advocate

General submits that, when, initially the certified copy of the case diary was provided to them, the compliance under Section 42 of the NDPS Act, 1985 was not available.

4. There is a compliance under Section 42 of the Act of 1985, in writing, in the report of the jurisdictional Superintendent of Police filed in Court. Such compliance appears as an Annexure to such report.
5. In view of the jurisdictional Superintendent of Police seeking time to take appropriate steps, list the application for bail a fortnight hence before the next available Circuit Bench.
6. Learned advocate appearing for the petitioner submits that, petitioner may be granted bail or at least interim bail should be granted.
7. The issues involved are serious. Case diary contains a compliance under Section 42 while, the deposition is otherwise. Till such time such issues are resolved at the appropriate level, it would not be proper to grant bail to the petitioner.

(Debangsu Basak, J.)