

11.06.2026  
Court No.4  
Item No.8  
AP

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

**CRM (NDPS) 269 of 2026**

In Re: - An application for bail under Section 483 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of  
the Code of Criminal Procedure, 1973.

And

In the matter of: **Md. Akhtar Ali @ Aktar Ali**

....Petitioner.

Mr. Sourav Ganguly  
Mr. Naser Ali  
Mr. Gopal Roy

...For the Petitioner.

Mr. Jagriti Mishra, AAAG  
Mr. Debabrata Rai

...For the State.

1. Supplementary affidavit filed in Court today by the learned  
counsel for the petitioner is taken on record. A copy of the same  
has also been provided to the learned Assistant Additional  
Advocate General.

2. Learned counsel representing the petitioner submits that  
from the FIR it transpires that 267 grams suspected to be brown  
sugar was recovered. He further submits that two tests, one being  
qualitative and the other being quantitative are to be performed.  
In this regard, the learned counsel relies upon Rule 14 of the  
Narcotic Drugs and Psychotropic Substances (Seizure, Storage,  
Sampling and Disposal) Rules, 2022 wherein "expeditious test"  
has been laid down. Learned counsel has stressed upon the point

that the chemical laboratory shall submit its report to the Court of Magistrate with a copy to the investigating officer within 15 days from the date of receipt of the sample and where quantitative analysis requires longer time the results of the qualitative test shall be dispatched to the Court of Magistrate with a copy to the Investigating Officer within said time limit on the original copy of the Test Memo and in the next 15 days the result of the quantitative test shall also be indicated on the duplicate Test Memo and sent to the Court of Magistrate with a copy to the Investigating Officer.

3. Learned counsel for the petitioner has also placed Rule 11 wherein "quantity to be drawn for sample" is laid down and thereafter has placed the report of the State Forensic Science Laboratory and highlighted that 3.37 grams was received by the State Forensic Science Laboratory whereas not less than 5 grams should have been drawn and sent for forensic test.

4. Thereafter the learned counsel for the petitioner has placed Section 2(XVI) of the Narcotic Drugs and Psychotropic Substances Act, 1985, which lays down in details as to what "opium derivative" means. Relying on the aforesaid Section, learned counsel for the petitioner has stressed upon the point that "opium derivative" means according to Clause (e) of Section 2(XVI) "all preparations containing more than 0.2 per cent, of morphine or containing any diacetylmorphine".

5. He has further submitted that charge sheet has already been filed and the accused is in custody for about 300 days.
6. In support of his contention, the learned counsel for the petitioner has relied upon a judgment passed by the Hon'ble Apex Court published in **(2021) 20 SCC 50** and has highlighted paragraphs 12 and 13 of the same.
7. Learned counsel for the petitioner has also relied upon an order of the Hon'ble Apex Court dated 6<sup>th</sup> January, 2026 passed in **Special Leave to Appeal (Crl.) No.13987 of 2025**. He has also relied upon two orders passed by a coordinate Bench of this Court in **CRM (NDPS) 570 of 2026** dated **30<sup>th</sup> March, 2026** and **CRM (NDPS) 692 of 2026** dated **20<sup>th</sup> April, 2026**.
8. Relying upon the aforesaid facts, the learned counsel for the petitioner has sought for bail of the petitioner.
9. Learned Assistant Additional Advocate General seeks an accommodation and prays for fixing it at 2 pm on 15<sup>th</sup> June, 2026.
10. In such circumstance, on consent of both sides, let the matter appear on 15<sup>th</sup> June, 2026.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Supratim Bhattacharya, J.)**