

27.07.2026
Ct. No. 11
SL No.05
Cp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 434 of 2026

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Sahebganj Police Station Case No. 595 of 2025, dated 09.10.2025, under Sections 21(c)/25/29 of the NDPS Act.

And

In the matter of: **Ersad Ali**

....Petitioner.

Mr. Sourav Ganguly
Mr. Gopal Roy

...for the Petitioner.

Mr. Avrojoyti Das, Ld. APP
Mr. Debabrata Rai

... for the State.

The petitioners pray for pre-arrest bail. It is contended that random selection of one of the bottles of cough syrup that were seized and sending the same to the FSL, would indicate that only that much quantity of the contraband substance contained in that particular bottle had been seized and the contraband substance contained in the bottle was of small quantity.

Mr. Ganguly, learned advocate for the petitioner, has relied on various decisions of the Supreme Court and other High Courts in support of his contention that, samples from each of the bottles ought to have been sent to the FSL, if the prosecution wanted to prove that all the 55 seized bottles contained the contraband substance and, as such, the seized articles were of commercial quantity. He further submitted

that, where the chances of conviction for commission of the offence are remote, prayer for pre-arrest bail should be granted.

Mr. Das, learned APP submits that the bottles were all sealed and were being sold in the market as Eskuf Syrups. They were part of the same batch and were jointly marked as material Exhibit A. He further submits that WPA has been issued and the last date was fixed on July 3, 2026, before the learned jurisdictional court for submission of the execution report with regard to the order of attachment.

Under such circumstances, the prayer for pre-arrest bail is refused.

However, the point of law raised by Mr. Ganguly is not decided in this case and is kept open.

The application for anticipatory bail is, thus, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)