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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (NDPS) 288 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Bhaktinagar P.S. Case No. 355 of 2024 dated 27.04.2024 under Sections 21(c)/22(c)/29 of the NDPS Act.

And

In Re : **Sajiul Skeikh @ Sekh @ Sajiul Sheikh @ Samir...**
Petitioner.

Mr. Subham Ghosh
Mr. Mayank Roy
Mr. H. Rahaman
... for the Petitioner.

Mr. Kallol Acharjee
Mr. Saikat Chatterjee
... for the State.

The petitioner is in custody for more than a year.

Learned counsel for the petitioner submits that contraband articles were recovered from the possession of the co-accused. No recovery has been made from the petitioner.

Learned counsel for the State opposes the prayer and submits that in view of recovery of contraband articles above commercial quantity from the joint possession of the petitioner and the co-accused, the petitioner is not entitled to be released on bail.

I have considered the material on record.

Though the seizure list indicates that the contraband articles were recovered from the joint possession of the petitioner and the co-accused, the FIR lodged by the police reflects that the

said articles were recovered from the co-accused Nurul Islam who was carrying the same in a transparent plastic packet wrapped by black colour plastic carry bag and kept in a black colour office bag. The petitioner appears to have been accompanying the co-accused at the relevant time. The FIR does not reflect any recovery from the petitioner. The mere fact that the petitioner was with the co-accused at the relevant time does not prima facie suggest that he was also in conscious possession of the articles.

In view of the above, this Court is inclined to hold that the petitioner has been able to rebut the statutory restriction under Section 37 of the NDPS Act and is entitled to bail.

Accordingly, prayer for bail is allowed.

The petitioner namely **Sajiul Skeikh @ Sekh @ Sajiul Sheikh @ Samir** be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed by the learned trial Court without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)