

25.03.2026
Item No.28
Court No.7
CHC
(Rejected)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

CRM(NDPS) 643 of 2025

In Re:- An application for post arrest bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023; corresponding to Section 439 of the Code of Criminal Procedure, 1973; in connection with Jaigaon Police Station Case No.89 of 2025 dated 06.05.2025 under Sections 17(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Sapikul Islam**

..... petitioner

Mr. Pritam Roy, Advocate
Ms. Silpi Basu, Advocate

...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Ujjwal Luksom, Advocate

...for the State

1. Death of the father of the petitioner and the ill health of the mother are grounds canvassed for grant of bail. In addition thereto, deficiency in the search and seizure procedure is also forwarded as a ground for grant of bail.
2. Commercial quantity of brown sugar was seized from the possession of the petitioner.
3. A case under the Act of 1985 is to overcome the restrictions under Section 37 of the NDPS Act, 1985 is the only consideration for grant of bail.
4. The other consideration is overarching Article 21 of the Constitution of India in favour of the petitioner.

5. Search and seizure procedure from the materials in the case diary, does not conclusively establish that, the process is such that it is fatal to the case of the prosecution.
6. I hasten to add that, I do not make any comment in the deficiency if there be any in the search and seizure procedure, though the issue may be taken up at the trial if so raised.
7. Since, petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985, I am not in a position to grant bail to the petitioner.
8. Consequently, prayer for bail of the petitioner is rejected.
9. **CRM (NDPS) 643 of 2025 is dismissed.**

(Debangsu Basak, J.)