

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**24.02.2026
Sl. no. 20
Ct. No. 6
P.M.
(ALLOWED)**

C.R.M. (NDPS) 687 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with PTN Case No. 496 of 2025 arising out of Pundibari Police Station case No. 391 of 2025 dated 30.04.2025 under Section 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In the matter of : **Sirajul Miah @ Serajul Miya**

.... Petitioner

Mr. Hillol Saha Podder

.... For the petitioner

Mr. Nilay Chakraborty, Ld. APP,
Mr. Subhasish Misra

... for the State

Learned counsel for the petitioner is seeking bail on the ground of the parity in view of the order of the co-ordinate Bench of this Court in CRM(NDPS) 83 of 2026 dated 19th February, 2026.

Learned counsel for the petitioner submits that all the seven accused persons in this case were arrested at the same time and identical arrest memo and information “information to arrested person” was prepared.

Learned counsel for the State opposed the bail application and submits that in the arrest memo it was specifically mentioned that the accused has been informed and he further

submits that information has duly been supplied under Section 51(1) NDPS Act.

The Court has perused the same. The co-ordinate Bench of this Court while enlarged these accused persons on bail has inter alia held as under :

“The petitioners pray for bail primarily on the ground that grounds of arrest have not been communicated to them at the time of arrest. It is not in dispute that grounds of arrest have not been communicated to the petitioners at the time of their arrest in compliance with the mandate laid down by the Hon’ble Supreme Court in several authorities. On such score alone, the petitioners are entitled to be released on bail despite the fact that contraband substance of commercial quantity has been recovered from their possession.”

The court considers that there is no ground to differ from the earlier opinion of the co-ordinate Bench of this court.

Thus taking into the facts and circumstances of this case the petitioner is released on bail of Rs. 20,000/- with two sureties of the like amount, one of whom must be local, to the satisfaction under the NDPS Act Jalpaiguri subject the condition that the petitioner shall appear/attend the trial regularly before the learned Trial Court and at any point of time shall not threaten, tamper or intimidate the complainant or members of the family in any manner or whatsoever commit similar offence in future. The petitioner shall not leave the jurisdiction of the

learned Trial court until further orders. In case the petitioner violates any such condition the prosecution is at liberty to move for cancellation of bail.

This application being CRM (NDPS) 687 of 2025 stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)