01.10.2026
Item No.475 & 476
Ct.No.35
(Suman PA)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.R. 4118 of 2026

Court on it's own Motion
-Versus-
Abdul Rohd @ Abdul Rahid @ Rahul

With

C.R.M. (NDPS) 1636 of 2026

Abdul Rohd @ Abdul Rahid @ Rahul
-versus-
State of West Bengal

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Narattam Acharya,
Mr. Sunayan Ghosh,
Mr. Avijit Chatterjee

... For the Petitioner.

Mr. Kallol Mondal, Ld. PP,
Mr. Kaushik Dey,
Mr. Shoumilya Mazumder

... For the State.

1. The prosecution in this case commenced on the written complaint lodged by Sub-Inspector of Police Siddarth Rai against arrested accused persons namely (i) Md. Taslim Sk, (ii) Md. Abdullah, (iii) Rajib Sk, (iv) Md. Tajel Sk. (v) Samim, (vi) Mursalim Sk. (vil) Khursed, (viii) Murshed all of PS - Kaliachak, Dist- Malda and other accused persons involved to the effect that on 24 - 25.01.2026 in between 23:20 hrs and 02:50 hrs the complainant received information from reliable source that some persons of Nayagram and Immamjagir will be preparing / selling / dealing in contraband Narcotic substance "Brown Sugar" in the Litchi / Mango orchard located at Maheshpur, Sersahi. After that the complainant along with other officer and force reached Maheshpur and met with the source person. The

complainant then proceeded inside the Mango/ litchi orchard as indicated and guided by the Source person to work out the source information. After that the complainant noticed that 8 to 10 people are doing something. Police team slowly approached towards them but as the police team approached near them, they sensed the presence of police and tried to run away, at that time the police team were able to apprehend 04 accused persons. The rest were able to run away. Though police team chased them but they succeeded in escaping inside the Orchard in the darkness.

2. In this case bail was granted by this Court on 24.08.2026 wherein it was submitted both on behalf of the petitioner and the State that there has been alleged recovery of Rs. 4 Lakh only from the present petitioner and no contraband was seized from the present petitioner.

3. Subsequently, in course of hearing in another bail application the order dated 24.08.2026 was relied upon when it was detected from the case diary, that so far as the present petitioner is concerned along with the sum of Rs. 4 Lakh, contraband to the tune of 446 grams brown sugar were recovered from him (out of the 4.35 kgs brown sugar wholly recovered in the present case). The bail application in paragraph 7 categorically reflects only Rs. 4 Lakh being seized and that there has been no recovery of contraband from the petitioner.

4. I have taken into account the Judgment of the Hon'ble Supreme Court in ***Zeba Khan -versus- State of U.P. and Others,*** reported in ***2026 SCC OnLine SC***

188 which has streamlined the disclosure relating to material facts in all bail applications. The relevant paragraphs are quoted below:

> *"**DISCLOSURE OF MATERIAL FACTS IN BAIL APPLICATIONS - GUIDING PRINCIPLES AND SUGGESTIONS***
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> ***42.*** *It has been consistently emphasised by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.*
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> ***43.*** *In the present case, Respondent No. 2 deliberately concealed his criminal antecedents before the High Court, both in the petition for quashing FIR as well as in successive bail applications. Even before this Court, only partial disclosure was made in the counter-affidavit, despite the existence of multiple criminal cases on record. This conduct cannot be viewed as an isolated lapse but reflects a growing and disturbing trend of accused persons securing discretionary relief by suppressing material facts.*
>
> ***47.*** *As repeatedly observed by this Court, bail applications are examined at multiple stages - from the trial Court to the High Court and ultimately this Court - where courts are often constrained to take a prima facie view on incomplete or selectively presented records. Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail, or conversely, the prolonged incarceration of accused persons despite substantial custody having already been undergone.*
>
> ***48.*** *Thus, this Court is of the view that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of*

> *any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication."*

5. Having considered the above, I am of the opinion that material facts were suppressed before the Court while obtaining the order of bail.

6. Accordingly, the bail granted to the petitioner on 24.08.2026 in **CRM (NDPS) 1636 of 2026** is hereby recalled and cancelled.

7. Petitioner is directed to surrender forthwith, preferable within a period of 72 hours from date before the Learned Jurisdictional Special Court in seisin of the case.

8. Rule is made absolute.

9. Accordingly, **CRR No. 4118 of 2026** is **allowed**.

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

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

(Tirthankar Ghosh, J.)