

17.11.2020  
SL No.27  
Court No.12  
(jks & SB)

**CRM 7750 of 2020**

**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Case No.**38/2018** dated **04/07/2018** under Sections **15 (C) & 29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Selim Sekh.**

....Petitioner.

Ms. Sonali Das

...for the Petitioner.

Mr. Y. J. Dastoor,  
Mr. Phiroze Edulji,  
Mr. Rajesh Kumar Shah

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Advocate for the petitioner submits that the petitioner is innocent of the charges and although he is in custody for about two years there has been no progress in the case.

Mr. Y. J. Dastoor, learned Additional Solicitor General appears for Narcotics Control Bureau and opposes the application. He submits that the narcotic substance recovered are more than commercial quantity.

Having regard to the materials on record, we are of the opinion that the petitioner has not been able to overcome the rigors of Section 37 of the NDPS Act. As such, the application for bail is rejected. However, as the petitioner is in custody for more

than two years and it has been submitted that one of the accused person is absconding, we direct the Special Court that if required the learned Special Court may segregate the case of the accused persons who are in custody from the accused who is absconding (after exhausting all the processes of law). Thereafter, the learned Court is directed to proceed with the trial of the case and make an effort for concluding the same within a reasonable period of time.

With the aforesaid observation, the application for bail being CRM 7750 of 2020 is disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**