

## CRM (NDPS) 824 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **1439 of 2021** dated **27.12.2021** under Sections **21(c)/29** of the NDPS Act.

- A n d -

**In the matter of : Mahidul Sk @ Mahidul Sekh**

.... Petitioner.

Mrs. Minoti Gomes,  
Mrs. Dova Sanyal,

... For the Petitioner.

Mr. Sudip Kumar,  
Mr. Mainak Gupta,

... For the State.

The petitioner says that he had been granted anticipatory bail by an order dated July 22, 2022 passed in CRM (A) 3482 of 2022. However, for medical reasons he could not comply with the conditions of such bail. Accordingly, he was arrested on March 24, 2024. He is in custody since then. No contraband item was recovered from him. He has been implicated on the basis of statement made by co-accused persons. He should be released on bail.

Learned Advocate for the State opposes the prayer. He says that there may not have been any recovery from the petitioner, however, other sufficient material shows his complicity in the alleged offence. Charge has been framed. Date has been fixed for recording of evidence.

On a consideration of the facts and circumstances of the case and the material on record and considering that commercial

quantity of contraband is involved, keeping in mind the restrictions in Section 37 of the NDPS Act, we are not inclined to entertain the petitioner's prayer for bail. This is also because we are not convinced that the petitioner had legitimate reasons for not complying with the conditions of anticipatory bail.

CRM (NDPS) 824 of 2024 is, thus, dismissed.

However, we request the learned Trial Court to expedite the trial to the extent the business of the Court may permit.

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

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**