

10  
02-12-2024  
(ct. no.29)  
S. De  
(Rejected)

## CRM (NDPS) 1479 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **NCB Siliguri Crime No. 02/NCB/SLG, 2024 dated 25.05.2024 under Sections 8(C), 21(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

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

.... Petitioner.

Mr. Niladri Sekhar Ghosh,  
Ms. Sompurna Chatterjee,  
Ms. Labano Sikdar,  
Mr. Souvik Dey,

... For the Petitioner.

Mr. Krishnendu Bhattacharyya,  
Mr. Priyankar Gangully,

... For the NCB.

### **Order dictated by Arijit Banerjee, J.**

1. Allegedly, 1.9 kgs. of Heroin was recovered from this petitioner.

The petitioner says that he has been trapped. He has no connection with the contraband item. He is in custody for 191 days. Investigation is complete. Chargesheet has been filed. He prays for bail.

2. Opposing the prayer, learned NCB counsel says that given the huge quantity of Heroin recovered from this petitioner and in view of the restriction in Section 37 of the NDPS Act, the petitioner's prayer should not be allowed.

3. The petitioner sought to raise certain objections as regards the seizure process. Those are all factual aspects which he will be at liberty to thrash out before the learned Trial Court.

4. In view of the huge quantity of Heroin being involved, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. CRM (NDPS) 1479 of 2024 is dismissed.
6. However, since the petitioner is in custody for about six and half months, we request the learned Trial Court to expedite the trial to the extent possible and conclude the same on an early date.
7. Let this order be communicated by the parties to the learned Trial Court.
8. 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. )**