

28.
03-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 130 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Raninagar Police Station Case No.114 of 2022 dated 23-03-2022 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Khorsed Sekh

.... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Shataroop Purakayastha,
Mr. Hamidur Rahaman

... For the Petitioner.

Mr. Ranadeb Sengupta,
Ms. Rituparna Saha

... For the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by learned advocate appearing on behalf of the accused petitioner that this petitioner surrendered before the court on July 19, 2024 and since then, he is in custody. Lalan Sk. and Sakib Sk. have been granted bail by the Hon'ble Apex Court and one FIR named accused person by the name of Pran Kumar Mondal was also enlarged on bail by this Court. Charge was framed by the learned trial Court against Lalan Sk. and Sakib Sk. on March 13, 2024, but the evidence taking process has not yet been started till date. Therefore, it is prayed that the present accused petitioner shall not be behind the bars for the purpose of custodial interrogation.

2. Learned advocate for the State raises objection to grant of bail to the present accused petitioner and submits that

there are sufficient incriminating materials against this accused petitioner which reflects *prima facie* involvement of the present petitioner in the alleged crime. Moreover, charge was framed showing this petitioner as absconder and delay in trial was caused due to his absconsion and this accused petitioner is solely responsible for the delay in commencement of the trial. It is also submitted that the present accused petitioner does not stand on the same footing to those who have been granted bail. It is further submitted that this accused petitioner is the owner of the motor bike from which the contraband was allegedly recovered. It is, therefore, prayed that the bail petition filed by this petitioner be rejected.

3. We have considered the rival submissions advanced by the parties. We have also perused the materials in the Case Diary. It appears that the present accused petitioner is in custody for a long period of time. The evidence taking process has not yet been started and there is no possibility of immediate commence of the trial. Therefore, no useful purpose will be served by detaining the present accused petitioner behind the bar. So, the embargo as proved in Section 37 of the NDPS Act is not attracted in this case.

4. The prayer for bail of the petitioner is, thus, allowed.

5. Accordingly, we direct that the petitioner, namely, **Khorsed Sekh**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act cum Additional District Judge, 2nd Court, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any

manner whatsoever and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within Raninagar Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of Berhampore Police Station once in every week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)