

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL MISCELLANEOUS JURISDICTION**  
**APPELLATE SIDE**

**CRM (NDPS) 151 of 2025**  
**Md. Anisur Sekh @ Anisur Sk.**  
**Vs.**  
**Union of India**

**Before:    The Hon’ble Justice Arijit Banerjee  
                                &  
                     The Hon’ble Justice Apurba Sinha Ray**

For the Petitioner : Mr. Sk. Toslim Ali, Adv.  
Ms. Rituparna Bhadra, Adv.

For the N.C.B. : Mr. Arun Kumar Maity (Mohanty), Adv.  
Mr. R. R. Mohanty, Adv.

For Orders On : 28.03.2025

**Apurba Sinha Ray, J. :-**

1. The learned counsel for the petitioner has submitted that the petitioner is languishing in the judicial custody from 22.12.2023. Charge is yet to be framed. There is no chance of an early conclusion of the trial. Further, nothing has been recovered from his possession. Though, the narcotics were recovered from a truck which was owned by him but actually he had given the said truck to another person on the basis of an agreement. Astonishingly, the said person was discharged by the concerned court.

However, as there is no chance of an early conclusion of the trial, he may be enlarged on bail.

**2.** The learned counsel for the NCB has submitted that the petitioner absconded for 8 years and the relevant case was proceeded with against the other accused persons after splitting up the record in accordance with law. Thereafter, charge has been framed against the other accused persons and subsequently the petitioner was arrested but the charge against him could not be framed due to dilatory tactics adopted by the defence. The petitioner's prayer was rejected on merits on September 23, 2024 and since then there has been no change of circumstances. Therefore, the petitioner's prayer could not be reconsidered on merits. Another cause of delay, according to the learned counsel for the NCB, is that the petitioner has filed an application for return of his vehicle from which contraband item was seized.

**3.** We have considered the materials on record and the case diary. It appears that a huge quantity of contraband articles i.e., poppy straw weighing 3400 kg was recovered from the truck owned by the petitioner. The record shows that the petitioner absconded for 8 (eight) years. The plea that the petitioner had no knowledge of seizure of such contraband articles cannot be believed at this stage since a person whose truck has been seized by NCB authority, would not remain absconded for a long period of time unless he had complicity with the offence. Drug Trafficking is categorized as organized crime and to commit such crime, many stakeholders play their respective roles at every stage of commission of such offence. The record,

prima facie, shows that the petitioner's vehicle was used for transporting huge quantity of contraband articles and even after expiry of long period from the date of seizure of such vehicle along with contraband articles, the petitioner being the owner of the vehicle did not turn up or did not knock the door of the court to get back his vehicle. This does not sound good and innocuous. The conduct and attitude of the petitioner shows that he is responsible for the delay caused in the trial. The record further shows that other accused persons are also filing several applications preventing smooth proceeding of the case. Moreover, the antecedent of absconsion on the part of the petitioner does not inspire any confidence in our mind since there is a chance of his further absconsion if he is enlarged on bail. Therefore, considering all aspects of the matter, we are not inclined to allow the prayer for bail of the petitioner at this stage. The bail petition stands rejected.

**4.** CRM (NDPS) 151 of 2025 is accordingly disposed of.

**5.** Urgent photostat certified copies of this Order, if applied for, be supplied to the parties on compliance of all necessary formalities.

**I Agree.**

**(APURBA SINHA RAY, J.)**

**(ARIJIT BANERJEE, J.)**