

10.04.2025
Item no. 20
Ct. No. 29
BD.

C.R.M. (NDPS) 286 of 2025

In Re:- An application for bail under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure) in connection with (Case No. 45/22) N 45/2022 arising out of 1328/2022 filing date 31.03.2022 corresponding to DRI CASE NO. DRI/KZU/NDPS/ENQ-19/2022 under section 29 read with sections 8 (C)/23 of the NDPS Act, 1985, section 28 read with sections 8 (C) /23/29 of the NDPS Act, 1985 and Section 30 read with section 8 (c) of the NDPS Act, 1985.

In the matter of : ***Abu Bakkar Sadiki alias Abuu Bakari Sadiki***
.... Petitioner.

Mr. Angshuman Chakraborty
...for the Petitioner.

Mr. Nadeem Sulaiman
Mr. Tapan Bhanja
...for the State.

This is renewal of bail application which was earlier rejected on 23rd August, 2024.

Learned counsel appearing on behalf of the petitioner submits that he is in custody since 13.12.2022 and that trial has not been advanced to a considerable extent and it will take long time to conclude. Moreover, the delay in trial can no way be attributable to the petitioner. The petitioner thus entitled to be released on bail on the ground of infringement of his fundamental right of speedy trial.

Learned counsel appearing on behalf of the Union of India submits status report which discloses that out of total 19 witnesses 4 witnesses have been examined. He further submits that the allegation against the present

petitioner is serious in nature. The petitioner is a foreign national and if released on bail there is serious chance of his absconsion. He further submits that trial would be concluded hopefully within next few months.

I have considered the submissions made by both the parties. It appears that about 16 Kgs. of heroine was recovered from the possession of the co-accused person.

A plain reading of section 37 of the NDPS Act states that in order to grant bail court must be satisfied that the petitioner is not guilty of the offence and would not commit any such offence if released on bail, irrespective of the fact that it may cause punitive detention and even unsanctioned preventive detention as well.

It is undoubtedly true that the petitioner is in custody for more than two years and the trial has not yet been concluded but having considered the gravity of the allegations and that the petitioner is a foreigner and if released on bail there is serious chance of his abscontion and considering the petitioner's complicity with the offence alleged, I find that if he is reaalsed on bail, there is serious chance of hampering the trial due to absconsion as apprehended by the prosecution and accordingly prayer for bail is rejected. However trial court is requested to conclude the trial preferable within one year from date.

CRM(NDPS) 286 of 2025 thus stands dismissed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)