

21.05.2025
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PRADIP
Rejected

C.R.M. (NDPS) 440 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Farraka Police Station Case No. 477 corresponding to NDPS Case No. 228/2022 dated 20.11.2022 under Sections 21 (C)/29 of the NDPS Act, 1985.

And

In the matter of : **Sami Raja Sekh @ Samirul Raja Seikh @ Samirul Raja Saikh
.... Petitioner**

Mr. Sayan Das
Mr. Arijit Gupta

...for the Petitioner

Mr. Sarjati Datta
Mr. Sachit Talukdar

...for the State

It is submitted on behalf of the petitioner that hundred bottles of Phensedyl cough syrup containing narcotic substance was allegedly recovered from two co-accused persons who have been granted bail by the Hon'ble Supreme Court and the High Court. He further submits that nothing was recovered from his possession and his name transpired from the co-accused statement and, as such, he may be granted bail. He further submits though the charge has been framed against the present petitioner but trial has not yet been started and the prosecution proposes to examine seven witnesses and nobody knows when the trial would be concluded and, as such, bail may granted in favour of the petitioner on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that the petitioner initially preferred one anticipatory bail prayer before this Court in CRM (A) 1157 of 2023 which was turned down

by the High Court observing that the petitioner is the owner of the motor cycle which was carrying the narcotic substance and, as such, the petitioner was in conscious possession of the substance.

However, after such rejection, the petitioner did not surrender before the Court below and after one year four months he again preferred anticipatory bail prayer before this Court which was again turned down by this Court. Thereafter, the warrant of proclamation and attachment were issued against the petitioner and he was absconding for about two years.

He also submits that from the order of the Hon'ble Apex Court in CRM (NDPS) No. 1156/2023 it reflects that the delay in trial was caused as the present petitioner was absconding. Accordingly, he submits that in case of granting bail in favour of the petitioner there is serious chance of absconsion and the trial would get delayed further.

Having considered the submissions made on behalf of the petitioner and the State and also considering the previous conduct of the petitioner and that if released on bail there is serious chance of petitioner's absconsion, prayer for bail is considered and rejected.

However, Trial Court is directed to make every endeavor to expedite the trial and to conclude the same at the earliest. Both parties are directed to communicate a copy of this order to the Court below.

Accordingly, CRM (NDPS) 440 of 2025 is disposed of.

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.)