

26.06.2025
Item no.33
Ct. No. 29
BD.

C.R.M. (NDPS) 456 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 read with section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 33 of 2024 arising out of Azimganj GRPS Police Station Case No. 08 of 2024 dated 29.03.2024 under section 21(c)/27A/29 of the NDPS Act, 1985.

In the matter of : **Sentu Seikh** Petitioner.

Mr. Sandip Dinda ...for the Petitioner.

Mr. Antarikhya Basu
Mr. Rajashree Tah ...for the State.

Petitioner submits that 2.45Kgs. of heroin was allegedly recovered from the possession of the three accused persons. The petitioner is in custody for about one year three months and though the charge sheet was submitted on 29.09.2024 but charge has not yet been framed and the prosecution proposes to examine nineteen witnesses and as such nobody knows when the trial would be concluded and considering the period of detention he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State vehemently opposed the bail prayer contending that out of three accused persons one is still absconding and as such delay in framing charge is not attributable to the prosecution. He further submits that co-accused Radha Bibi preferred a bail application before this Court, which

was rejected on 24th February, 2025. The present petitioner is almost on the same footing and that huge quantity of narcotic substance is involved in the present case.

Having heard the learned counsel appearing on behalf of the parties and also in view of materials available so far in the record, I find that rigour of section 37 of the NDPS Act, clearly attracts against the present petitioner in this case and as such the prayer for bail is considered and rejected.

However, trial court is directed to expedite the trial and if required by splitting the record in respect of the absconding accused, he will proceed with the trial to reach a reasonable conclusion at the earliest.

CRM (NDPS) 456 of 2025 is accordingly 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.)