

08.07.2025
SL No.56
Court No.29
S.Gayen

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

C.R.M.(NDPS) 570 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 1531/2023 dated 02.12.2023 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

-And-

In the matter of: Aliul Sekh @ Seikh

...Petitioner

Mr. Arup Kumar Bhowmick

...for the Petitioner

Ms. Fariya Hossain
Mr. Aritra Bhattacharya

...for the State

Learned counsel appearing on behalf of the petitioner submits that he is in custody for about one year seven months and charge has not yet been framed and as such nobody knows when the trial would be concluded and on the touchstone of Article 21 of the Constitution of India 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 680 grams of heroine was recovered from the joint possession of 3 persons out of which one is still absconding. The present petitioner and his brother were arrested on 2nd December, 2023 from the spot and the bail prayer of co-accused was rejected on 2nd January, 2025 by this Court. He

further submits that the delay in trial is clearly attributable to the co-accused who is still absconding. He further submits that by an order dated 28.04.2025 the case has been filed for the present in respect of the absconding accused and the trial is going to commence shortly and as such she opposed the bail prayer.

Having considered submissions made on behalf of the parties and that delay in framing of charges is not attributable to the State and that the other co-accused still absconding and that rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioner in the instant case, his prayer for bail is **rejected**.

Accordingly, C.R.M. (NDPS) 570 of 2025 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)