

53
13.08.2025
Ct. 29
Jayanta
Rejected

C.R.M. (NDPS) 692 of 2025

In Re:- An application for Bail under Section 439 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 7 of 2023 arising out of Baishnabnagar Police Station case no. 561/2024 dated 08.01.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Sainul Sk @ Sariul.**

.... Petitioner

Mr. Tanmoy Khan

...for the Petitioner

Ms. Anujsa Sinha, Ld. APP

Mr. Sreetama Das

...for the State

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about 107 days since 29th April, 2025. However, no recovery was made from him during investigation and his name transpired from the co-accused statement. He further submits that the charge sheet submitted on 9th December, 2024 but the charge has not yet been framed and the next date is fixed on 22nd August, 2025. In such view of the matter it is not ascertainable as to when the trial would commence and as such he may be released on bail on any terms and conditions.

According to prosecution report though no direct money transaction has been traced to the present petitioner but upon analysis of CDRs of the accused

person, it appear that the co-accused persons had made frequent communication with the mobile number used by the present petitioner and this consistent communication between the petitioner and other co-accused persons *prima facie* establishes his involvement with the case.

Learned counsel for the state submits that petitioner did not appear before the court below for which the warrant of arrest against the present petitioner was issued on 11th December, 2024 and warrant of proclamation was issued on 20th December, 2024 and thereafter on 3rd March, 2025 he was declared as proclaimed offender and an order of attachment was issued on 3rd April, 2025. Thereafter the case was filed against the present petitioner. However Police could arrest the petitioner on 29th April, 2025 and since then he is in custody. In view of disclosure in CDR and his previous conduct towards court, she oppose the bail prayer.

Having considered the submissions made on behalf of the petitioner and the State and that the prosecution report discloses upon analysis of CDRs that he has made consistent communication with the co-accused persons involved in this case and also considering his previous conduct towards the Court and that the delay in trial is clearly attributable to the

present petitioner, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 692 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.)