

30.07.2025
Item no.65
Ct. No. 29
BD.

C.R.M. (NDPS) 697 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, corresponding to section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 107 of 2022 arising out of English Bazar Police Station Case No. 1240 of 2022 dated 05/08/2022 under sections 21(c)/29 of the NDPS Act, 1985.

In the matter of : **Ashadul Sekh @ Asadul Sk.** Petitioner.

Mr. Avinaba Patra ... for the petitioner.

Mrs. Anusuya Sinha
Ms. Parveen Sultana ... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for about seventy one days. He further submits that nothing was recovered from his possession. He further submits that according to prosecution case 594 bottles of phenesedyl containing codeine phosphate was recovered from one accused Kalu Sekh, who has been granted bail by the Hon'ble Apex Court. He further submits that out of four accused persons involved in the present case three are already on bail. He further submits that charge has been framed on 9th July 2025 and it is not ascertainable as to when the trial would be concluded and as such he may be released on bail on any terms and conditions since he is almost on the same footing with that of the other accused, whom this High Court has granted bail.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that warrant of

proclamation and attachment was issued against the petitioner on 17th April, 2024 as he was absconding. However, he surrendered before the trial court on 20th May, 2025 and since then he is in custody. However, in her usual fairness she submits that nothing was recovered from the possession of the present petitioner.

Having heard learned counsel appearing on behalf of the petitioner and the State, and that there is uncertainty as to when the trial would be concluded and that the other co-accused persons have already been obtained bail and that nothing was recovered from the possession of the present petitioner and that petitioner voluntarily surrendered before the Court which eliminates his chance of further abscondence and that rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner as appearing from the facts of the case, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Ashadul Sekh @ Asadul Sk**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Malda, and also on condition that the petitioner shall not leave the geographical limit of District- Malda, without the leave of the trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge,

English Bazar Police Station, District- Malda, once in a week until further order.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his cell phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 697 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.)

