

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 749 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Coke Oven** Police Station Case No.**147/2023** dated **16.09.2023** under Sections **21(c) /29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Badruddin Sekh @ Total.**
.....petitioner.

Ms. Salma Sultana Shah,
Mr. Sani Hossain.
.
...for the petitioner.

Mr. Kaushik Kundu,
Ms. Nahid Ahmed.
....for the State.

Prosecution case is that 272 grams of Brown Sugar was recovered from the possession of two accused persons and the petitioner was arrested on 16.09.2023 and since then he is in custody for about one year and eleven months.

He further submits that the prosecution proposes to examine eleven witnesses out of which they could not examine a single witness so far, though the charge was framed on 11.09.2024.

In such view of the matter, the delay in trial is not attributable to the present petitioner and he may be released on any terms and conditions.

He further submits while the bail prayer of a co-accused was rejected by this Court on 26.09.2024, this Court directed the Trial Court to conclude the trial at an early date and definitely within a year from the next date fixed for recording the evidence.

Learned advocate appearing for the State opposes the prayer for bail and contends that the order dated 26.09.2024 has not been communicated to the Court below and moreover, the time limit framed by this High Court has not yet been expired.

He further submits that the commercial quantity of Narcotic substance was recovered from the possession of the present petitioner and if he releases on bail, there is serious chances for abscondence.

Having heard the learned counsel on behalf of the petitioner and the State, I find that the rigour of Article 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner and as such prayer for bail is considered and rejected.

However, trial court is requested to conclude the trial within the time limit framed by this Court vide its order dated 29.06.2024.

If the petitioner finds no substantial progress in trial during the said period, the petitioner will be at liberty to renew his bail prayer.

CRM (NDPS) 749 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)