

19.08.2025
Item no.20
Ct. No. 29

C.R.M. (NDPS) 742 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 NDPS Case No. 111 of 2021 arising out of Kaliachak Police Station Case No. 1175 of 2021 dated 24/10/2021 under sections 21(c)/29/27A of the NDPS Act, 1985.

BD. In the matter of : **Hajijul @ Ejajul Sekh** Petitioner.

Mr.Avinaba Patra
Mr. Dipayan Kundu
Ms. Papiya Bhowmik ... for the petitioner.

Mr. R.D. Nandy
Mr. Subham Bhakta ... for the State.

(ALLOWED)

Learned counsel appearing on behalf of the petitioner submits that the petitioner was arrested on the basis of co-accused statement which has got no evidentiary value and out of 29 accused persons in this case 23 are on court bail. He further submits that he is in custody for 95 days and no recovery of contraband substance was made from his possession. He further submits that 13th August, 2025 was fixed for framing of charge but charge has not been framed on that day and as such nobody knows when the trial would commence and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that five accused persons are absconding and for which the trial could not commence as yet. He further submits that this case was initiated against the petitioner in the year 2021 and the

petitioner was absconding for five years and as such if he is released on bail there is serious chance of his further absconding and he further submits that the petitioner has a criminal antecedence and he is involved in connection with English Bazar Police Station Case No. 1240 of 2022.

In reply, learned counsel appearing on behalf of the petitioner submits that the petitioner who was involved with the aforesaid English Bazar Police Station Case No. 1240 of 2022 obtained bail from this High Court in the said case and he furnished bond before the trial court on 2nd August, 2023 and thereafter he continuously attended the court in connection with said English Bazar Police Station Case and as such it cannot be said that he was absconding for the said period. Moreover, the prosecution could have prayed for issuance of production of warrant, which they did not do.

Having heard the submissions made on behalf of the petitioner and the State and that there are 29 accused persons are involved in the alleged offence and that the trial has not yet been commenced and as such there is no certainty as to when it would commence and as no contraband substance was recovered from the possession of the present petitioner, I find that rigour of section 37 of the NDPS Act, may not attract in respect of the present petitioner and as such, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Hajijul @ Ejajul Sekh**, 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, Kaliachak 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) 742 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.)