

16.09.2025
Sl. no. 235
Ct. No. 29
P.M.

C.R.M. (NDPS) 836 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 1993 of 2024 dated 04.12.2024 under Sections 21(C) /25/27A/29 of the NDPS Act.

And

In the matter of : **Wasim Sk @ Washim Sk.**

.... Petitioner

Ms. Minoti Gomes,
Mr. Benajit Hasna,
Mr. A. Islam,
Mr. Sadid Haider

.... For the petitioner

Ms. Amita Gaur,
Ms. Jonaki Saha

... for the State

The prosecution case is that 11600 Yaba tablets were recovered from the joint possession of the petitioner and another co-accused. Petitioner was arrested on 4th December, 2024.

Learned counsel appearing on behalf of the petitioner submits that during search and seizure no videography was done nor ground of arrest was informed to the present petitioner. Her further contention is that except P.W. 5 all the witnesses are police personnel and though investigation has already been culminated in a charge sheet on 23.05.2025 but the charge has not yet been framed and as such there is uncertainty about the commencement of trial and considering

the period of detention 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 huge amount of narcotic substances were recovered from the possession of the petitioner and the other co-accused person is absconding and for which the charge could not be framed.

He further submits that report dated 08.09.2025 submitted by Kaliachak P.S. discloses that the videography was done and notice under Section 48 of BNSS was served to Dilip Sk., father of accused Wasim Sk. informing him regarding the ground of arrest of his son.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that the rigour of Section 37 of the NDPS Act clearly attracts in the present case in respect of the present petitioner, his prayer for bail is considered and rejected.

However, the Trial Court is requested to expedite the trial considering the fact that the petitioner suffering incarceration since December, 2024 and if required he is directed to proceed with the trial after splitting the case record in connection with the absconding accused.

The report submitted by Kaliachak P.S. is taken on record.

CRM (NDPS) 836 of 2025 stands disposed of.

Both the parties are directed to communicate the order before the court below at the earliest.

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

(Dr. Ajoy Kumar Mukherjee, J.)