

27.08.2025

akb
Sl. 23
Ct.29
Allowed

CRM (NDPS) No. 951 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973, corresponding to Section 483 of the BNSS Act, 2023 filed in connection with NCB Crime No. 69 of 2021, N Case No. 105 of 2021 under Section 8(c) read with 22(c) and 29 of the N.D.P.S. Act, 1985.

And

In re: Rejaul Sekh

... petitioner.

Mr. Debasis Kar

...for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. Priyankar Ganguly

...for the NCB

It is submitted on behalf of the petitioner that 374 gms. Yaba tablets was recovered from the joint possession of the present petitioner as well as the other co-accused, who has already died. He further submits that the petitioner was arrested on 19th August, 2021 and he is in custody for about four years. He further submits that the prosecution proposes to examine seven witnesses, out of which they could examine so far only four witnesses and the next date is fixed on 12th and 15th September, 2025 for evidence. He further submits that delay in trial is not attributable to the present petitioner and nobody knows when the trial would be concluded and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the NCB opposed the bail prayer and contended that delay in trial is not attributable to the prosecution rather it is attributable to the accused as most of the time his Advocate was found absent. Moreover, the petitioner has influence of his local syndicate and Bangaladeshi National and there is serious chance of his abscondence if he is rereleased on bail. He further submits that he is the master-mind of the of the case who had utilized forged identity of Indian origin and as such he opposed the prayer for

bail.

Having heard learned Counsel appearing on behalf of the petitioner and the NCB and also considering the period of incarceration suffered by the petitioner and that there is still hardly any chance of early conclusion of trial, the prayer for bail is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely **Rejaul Sekh**, shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Barasat and on condition that he will not leave the geographical limit of district –North 24-Parganas without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Barasat Police Station twice in a week till further order and also on condition that the accused 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 mobile 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 Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this Court.

Be it mentioned, that nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 951 of 2025** is,

accordingly allowed and disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)