

31.10.2025

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Ct no. 3

Rejected

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.R.M. (NDPS) 408 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 76 of 2024 arising out of Matigara Police Station case no. 642 of 2024 dated 26.10.2024 under Sections 21(c)/22(c) of the NDPS Act 1985.

And

In the matter of : **Bilal Seikh @ Belel**

.... Petitioner

Mr. Prajnadeepta Roy

Mr. Nasar Ali

Mr. Rajan Raj

Mr. Jaimallya Bhattacharya

...for the Petitioner

Mr. Ujjwal Luksom

Mr. Kallol Nag

...for the State

Prosecution case is 514 gms of Brown Sugar wrapped in a plastic packet was recovered from the scooty and after search and seizure petitioner was arrested from the spot.

Learned counsel for the petitioner submits that the petitioner is in custody for about one year i.e. from 27th October, 2024 and he has physical impairment to the extent of 80%. His further contention is that the prosecution proposes to examine 14 witnesses. Though the charge-sheet was submitted in this case in April, 2025 but the charge has not yet been framed and as such, nobody knows when the trial would commence and would conclude and considering

his long incarceration, he may be released on bail on any terms and conditions.

In support of his contention, he relied upon a judgment of the Apex Court in **Prem Singh Vs. State of Rajasthan** reported in **2023 SCC Online SC 128** and another judgment of this court passed in **CRM (NDPS) 56 of 2022**.

Having considered the submissions made on behalf of both the parties, it appears from the facts and circumstances of the case that there are reasonable grounds for believing that the petitioner has direct involvement with the alleged offence. The case law relied by the petitioner in **Prem Singh case (supra)** discloses that the petitioner in that case was disabled to the extent of 85% and was unable to move freely and for which, he could not appear but, he was cooperating with the Investigating Agency. Therefore, the instant case is factually distinguishable with the said case.

Considering the facts and circumstances of this case, I find that the restriction imposed under Section 37 of the NDPS Act clearly attracts in respect of the present petitioner and as such, the prayer for bail made by the petitioner is rejected.

However, the Trial court is requested to expedite the trial and to make every endeavour for early conclusion of trial. Both the parties will communicate this order to the court below immediately.

Accordingly, CRM (NDPS) 408 of 2025 is 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.)