

10.09.2020

Item no. 5

Ct.11

CHC

Rejected

C.R.M. No.5962 of 2020
[C.R.A.N.1 of 2020 (Old No. CRAN 4401 of 2020)]
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in NDPS Case no.32 of 2019 under Sections 22C/25/29 of the Narcotic Drugs and Psychotropic Substances Act, arising out of Kotwali Police Station Case No.613 of 2019 dated 22.09.2019.

And

In the matter of:-

Rakesh Shaw

... Petitioner

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Karan Dudhwewala

.. for the petitioner

Mr. Aditi Sankar Chakraborty, Ld. A.P.P. Jalpaiguri

..for the State

Mr. Ganguly, learned Senior Advocate appearing for the accused draws attention of this Court regarding recording in the earlier order that contraband were seized from the possession of the petitioner. He further submits that considering the period in custody of the petitioner he may be released on bail.

Mr. Chakraborty, learned Additional Public Prosecutor, Circuit Bench at Jalpaiguri is present in the virtual mode, the

investigating officer of the case is present before us along with the Case Diary physically.

We have perused the Case Diary and we have found that the main thrust of contention of learned advocate for the petitioner is admitted that there was no recovery of contraband from the possession of the petitioner but the progress admittedly is that contraband which has been seized was to be delivered to the present petitioner and in the meantime, other accused persons were arrested. The proximity of time and the communication made with the petitioner accused, confirms with the spirit of the case and as such at this stage the involvement of the petitioner cannot be ruled out. As such we are not inclined to release the petitioner on bail in view of Section 29 of the NDPS Act.

Accordingly, the prayer for bail of the petitioner is rejected.

It has been submitted that the mobile phone which has been seized has been sent to CFSL Expert, Chandigarh and the report is awaited from the authorities.

The investigating officer is directed to take necessary steps for expediting the process of receiving the report.

With the aforesaid observations, CRM 5962 of 2020 and CRAN 1 of 2020 (Old CRAN No.4401 of 2020) are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)

