

15.09.2020

CRM 6501 of 2020

COURT NO. 19
ITEM NO. 03
das/nandy

(REJECTED)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.09.2020 in connection with NDPS 01/2020 arising out of NCB Crime No. 02/NCB/KOL/2020 for offence under Sections 20(b)(ii)(B), 21(c), 22(c) and 23(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Rafikul Alam @ Shah Alam**

...Petitioner

Ms. Madhushri Dutta Majumdar, Advocate

...for the Petitioner

Mr. Y.Z. Dastoor, Ld. Addl. Solicitor General

Mr. Phiroj Edulji, Advocate

Mr. Rajesh Kumar Shah, Advocate

...for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

Learned Advocate appearing for the petitioner submits that although there has been seizure from the petitioner but there has been no progress in the case and there is no scope for further recovery. The learned Advocate, therefore, submits that on any stringent condition the petitioner may be released on bail.

Mr. Dastoor, learned Additional Solicitor General, appearing for the Union of India/NCB submits that contraband of different nature were recovered and most of them were in commercial quantity and as such the petitioner is not entitled to bail. It is also submitted that chargesheet has been submitted.

We have considered the materials so relied upon by the Union of India as well as the present stage of the case. Having taken into account the stage of the case and the seizure which has been effected from the possession of the petitioner, we are not inclined to release the petitioner on bail.

The prayer for bail is thus **rejected**.

The application being **CRM 6501 of 2020** is accordingly **dismissed**.

(Tirthankar Ghosh, J)

(Harish Tandon, J)

