

21-10-2020
k.b/b.r.
Item no.7
Rejected
Crt. No.12

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 6699 of 2020
Sarful Amin Mondal

-vs-

The State of West Bengal
IA No. CRAN 1 of 2020
(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with N. Case No. 217 of 2019 arising out of Basirhat P.S. Case No. 1284 of 2019 dated 18.11.2019 under Sections 21 (c) /29 of the NDPS Act, 1985.

Mr. Surajit Basu ...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Ch. Majhi ... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

Learned advocate for the petitioner submits that the accused was allegedly arrested with commercial quantity of narcotic substances i.e. 20 bottles of phensedyl on 18th November, 2019 by BSF personnel. However, in the seizure list prepared by the BSF the name of the present petitioner does not transpire. It is also submitted by the learned advocate for the petitioner that subsequently the BSF handed over the case to the Police at Basirhat PS Case No. 1284 of 2019 dated 18.11.2019 and re-seizure list was prepared by the police where signature of the present petitioner was opted.

It is also pointed out by the learned advocate for the petitioner that according to the prosecution case seizure was made while the petitioner was travelling by an auto rickshaw and the said auto rickshaw was seized. The petitioner is the owner of the said auto rickshaw. Therefore, he has been falsely implicated and should be

released on bail.

Learned P.P.-in-Charge on the other hand draws our attention on the FIR where it is clearly stated that the BSF personnel apprehended the present petitioner with 20 bottles phensedyl syrup while he was travelling by an auto rickshaw. It is also submitted by the learned PP-in-charge that the seizure list initially prepared by BSF mistakenly does not reflect the name of the present petitioner. However, from the record involvement of the petitioner is clearly revealed and considering the extent of complicity he should not be released on bail.

Having heard the learned advocates for the parties and on perusal of the entire materials on record, we have no doubt in our mind that the contraband articles were recovered from the possession of the present petitioner. Prima facie, he is liable for committing offence. It is submitted that charge sheet has already been filed in the instant case.

Considering such circumstances, we are not inclined to allow the prayer for bail made on behalf of the petitioner. However, learned Special Court, NDPS, Basirhat is requested to expedite the trial and conclude the same within six months after reopening of the Court after Puja Vacation.

CRM 6699 of 2020 is accordingly disposed of.

[Bibek Chaudhuri, J.]

[Subrata Talukdar, J.]

