

05-10-2020
k.b./b.r.
Item no.21
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7485 of 2020
With
CRAN 1 of 2020
Kaji Asraful Haque @ Kalia
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC arising out of Jamuria P.S. 197 of 2020 dated 19.07.2020 under Section 20(b)(ii)(c) of the NDPS Act 1985.

Mr. Ayan Bhattacharjee
Mr. Kunal Ganguly
Mr. Aditya Ranjan Tiwari

...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Palash Chandra Maji

... 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.

Learned advocate for the petitioner submits that the petitioner was an employee of a go-down and as such implicated because of employer's wrong act.

Learned advocate for the petitioner submits that the petitioner is in custody for 76 days and as the charge sheet has already been submitted further detention is unwarranted.

Mr. Bardhan, learned advocate for the State produces the Case Diary and draws the attention of this Court to the seizure list and the

seizures which have been effected.

He further submits that although charge has been framed but the chemical examiner's report is awaited.

We have taken into account the materials presented in the case diary as well as the seizures which have been in effect including the contraband of the 258.7 kgs. as well as cash recovery of more than one crore.

In view of the provision of Section 29 of the NDPS Act as well as Section 37 of the NDPS Act, we are not inclined to release the present petitioner on bail. As such the prayer for bail is rejected.

With the aforesaid observation, CRM 7485 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]