

18-11-2020
k.b/b.r.
Item no.04
Bail allowed
Crt.11

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7826 of 2020
Md. Rafik Sk. @ Md. Rofik Seikh
-vs-
The State of West Bengal

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with NDPS Case No. 14 of 2020 corresponding to Suti P.S. Case No. 28 of 2020 dated 15.01.2020 under Sections 21(c)/29 of the NDPS Act.

Mr. Sarwar Jahan
Mr. Anisur Rahman ...for the petitioner.

Mr. Ranabir Roychowdhury
Mr. Sandip Chakraborty ... 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 is in custody for about 307 days and charge-sheet has already been submitted. Learned advocate for the petitioner further submits that the present petitioner has been implicated in the case pursuant to the statement of the co-accused before the Investigating Officer of the case.

Mr. Roychowdhury, learned advocate appearing for the State opposes the prayer for bail and submits that a commercial quantity of contraband were seized and the petitioner was involved in such offence although nothing was recovered from the possession of the petitioner.

We have taken into account the on record as also the complicity of the present petitioner and on appreciation of the same, we find that in the present case the present petitioner has been arrayed on the basis of the statement of the co-accused, namely, Abdul Latif and Tenu Das.

Having regard to the position of law, we are of the opinion that further detention of the petitioner may not be warranted as, prima facie, the petitioner has been able to overcome the rigours of Section 37 of the NDPS Act.

Accordingly, the petitioner shall be enlarged on bail subject to the satisfaction of the learned Special Court, NDPS, Berhampore, Murshidabad upon furnishing a bond of Rs.10,000/- (Rs. Ten thousand only) with two sureties of like amount, one of whom must be local and on condition that the petitioner shall not tamper with the evidence and/or intimidate the witness.

With the aforesaid observation, the application for bail, being CRM No. 7826 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.]

