

12.11.2020
Court No.16
Item No. 04
rpan

CRM 8767 of 2020
(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kankartala Police Station Case no.67 of 2019 dated 21.05.2019 under Sections 15(b)/29/21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re: **Sk. Kalo @ Ajfar & Another**
....Petitioners.

Mr. Sourav Chatterjee,
Mr. Kunal Ganguly
... for the petitioners.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi
... for the State.

The petitioners claim that in view of the charges brought against them of being in possession of intermediate quantity of contraband and the petitioners having already been in custody for a considerable period, they should be enlarged on bail.

The State says that there was a mistake at the time of framing of charges and steps have been taken for the charges to reflect that the petitioners were found in possession of commercial quantity of narcotic substance. The State also refers to several previous cases instituted against the petitioners and submits that the petitioners are known troublemakers in the area and indulge in every kind of nefarious activity. The investigating officer has also reported that guns and explosive substances have been recovered from these petitioners and the petitioners have apparently violated previous conditions imposed by the court while granting bail to them.

The petitioners insinuate that because of their political differences with the present dispensation, the police has acted in a high-handed manner and clamped false charges on the petitioners. The petitioners point out that there is no previous instance of any NDPS charge against the petitioners and, in any event, the petitioners have not been convicted in any of the previous cases.

It is not unknown that persons not agreeing with the ideology of the ruling dispensation are proceeded against without any basis. It is also not unknown that NDPS charges are sometimes levelled against persons who raise uncomfortable questions for the administration. At the same time, when there is a report indicating that illegal arms and ammunition have been recovered from the petitioners and there are several cases against the petitioners, including under the Explosive Substances Act and the Arms Act, some credence has to be given to the report.

Considering the fact that the trial against the petitioners has progressed substantially and it is more than likely that the conduct of criminal trials may resume within a month or two, it may not be judicious to let the petitioners out at the moment.

It is also recorded that the State claims that steps have been taken for the charges brought against the petitioners to be amended to reflect that commercial quantity of narcotics was obtained from their possession.

The prayer for bail is refused at this stage.

CRM 87867 of 2020 is disposed of.

A copy of the memorandum of evidence, signed by the Officer-in-charge of the Kankartala Police Station, Birbhum and dated November 5,

2020, may be obtained by the petitioners from an officer of this Court. In the event the details indicated in such report appear to be completely erroneous, it will be open to the petitioners to take appropriate steps in accordance with law.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)