

11.02.2021
Item no.09
Court No.28
Avijit Mitra

C.R.M.8362 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NCB Crime No.38 of 2018 dated 04.08.2018 under Sections 18(c)/15(c) read with Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In Re : Selim @ Salim Sk.

.... petitioner

Mr. Debangana Bhattacharjee

Ms. Swarnali Saha

....for the petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.,

Mr. Phiroze Edulji,

Mr. Rajesh Kumar Shah

.....For the N.C.B.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 922 days although charge has been framed but till date there has been no progress in the case. Learned advocate further disputes the factum of seizure and tries to emphasise that the petitioner was implicated on the basis of statement of a co-accused pursuant to which the seizure has been effected.

Mr. Dastoor, learned Additional Solicitor General appearing for the N.C.B. submits that the total quantum seized from three of the accused persons is 1150 Kgs. of poppy straw and from the house of the present petitioner 350 Kgs. of poppy straw were recovered. According to him, the same is corroborated by other witnesses of the case. It has further been submitted that the petitioner's prayer was earlier rejected by way of CRM No.1142 of 2019 and CRM No.9229 of 2019.

Having regard to the fact that already charge has been framed and the quantum of seizure is of above commercial

quantity, we are of the opinion that the provisions of Section 37 of the N.D.P.S. Act are attracted and as such the petitioner is not entitled to be released on bail.

The application for bail being C.R.M. No.8362 of 2020 is, accordingly, rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)