

CRM(NDPS) No.71 of 2022

Via video conference

18.02.22

(S.R.)

Sl.32

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dankuni** Police Station Case No.71 of 2021 dated 05/03/2021 under Section 21(c) of the NDPS Act;

And

In re: Kazi Akhtar Rahaman @ Kazi Aktar Rahaman

... petitioner.

Mr. Samrat Goswami

... for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Mr. Goswami, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The petitioner's mobile phone was seized on 3rd March, 2021 and he was, in fact, arrested on the said date but was shown arrested subsequently on 5th March, 2021. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for about 350 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. De, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the seizure list as well as the arrest memo and submits that there had been recovery of contraband substance above commercial quantity from the petitioner. Answering our query, he submits that charges have already been framed and date has been fixed on 16th March, 2022 for settling the date of trial.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, the statutory restrictions are attracted. Considering the nature of accusations, the stage of the proceedings and the extent of complicity

of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM(NDPS) No.71 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)