

23-08-2023
Subha
D/L 06
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2421 of 2023
With
CRAN 1 of 2023

Rajesh Kumar Fitkariwala
-versus-
Union of India

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
....for the petitioner.

Ms. Rajashri Venket Kundalia
Ms. Aishwarya Rajyashree
...for the Customs Authority.

Mr. Chatterjee, learned advocate for the petitioner is aggrieved by the said order dated 02.03.2023. By the said order, the learned special court was pleased to direct 24.842 MT scrap material to be released to the present petitioner on furnishing bank guarantee of 20 lakhs along with other conditions.

Learned advocate for the petitioner submits that the bank guarantee of Rs.20 lakhs is creating hardship for the present petitioner.

Ms. Kundalia, learned advocate appearing for the Customs Authorities do support the order passed by the learned special court

I have considered the contention advanced by the learned advocate for the petitioner as well as the prosecution/opposite party and I find that the case is under the relevant provisions of

NDPS Act where the main thrust of the case was never on the issue relating to the scrap materials and/or how the same was obtained either legally or illegally.

Having considered the same, I direct the learned special court to impose any other condition except bank guarantee to the present petitioner for the purposes of releasing of the 24.842 MT scrap materials. The learned special court would for the purposes of the case not insist upon the physical production of the 24.842 MT scrap material which is not the part and parcel of the mainstream investigation but which has been carried out for reflecting attending circumstances in addition to the poppy husk which has been seized being kept along with the scrap materials.

Once the order of this court is brought to the notice of the learned special court, the learned special court would reconsider the terms of the bond within a period of 15 days. Pending applications, if any, are consequently disposed of.

With the aforesaid observations, the revisional application being CRR 2421 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

