

THE COURT OF THE LEARNED SPECIAL JUDGE FOR NDPS CASES

AT GREATER MUMBAI

Bail Application No.611 of 2021

NCB/MZU/CR/03/2021

Sameer Shabbir Khan, Age-35 yr  
S/o Shabbir Khan  
Room No.201, Lamour Apartments, 15<sup>th</sup> Road,  
Bandra(w), Mumbai-50

.....Applicant/Accused

V/S

UNION OF INDIA  
REPRESENTED BY  
INTELLIGENCE OFFICER  
NARCOTICS CONTROL BUREAU  
MUMBAI ZONAL UNIT,  
MUMBAI.....

.....Respondent/Complainant

**REPLY TO THE APPLICATION EXHIBIT IN BA NO.611 OF 2021**

**MAY IT PLEASE YOUR HONOUR -**

It is submitted in behalf of prosecution that

- a) The application is devoid of merits and reserves to be rejected outright.
- b) The photographs annex to the application clearly shows that the location where the articles were seen; and photographed is clicked is not mentioned anywhere and not seen in any of the photograph.
- c) It is false to say that it was clicked in the office of the NCB without strict proof thereof.
- d) The photograph does not show or anything to show it was clicked in the NCB Office.
- e) None of the officers is seen showing those articles in open conditions.
- f) The top lines of first photograph mention about "NCB Raids" in two locations in Mumbai, 200kg of drug seized, 03 arrested", in this case raids were conducted at three different places and not two, therefore photograph cannot be connected in this case.

.) It is denied that the press was briefed and shown the articles in the NCB Office, therefore there is no question arises for consideration about clicking the photographs.

h) Being a sensitive case it is possible that the press was following respective teams, at following perspective location. It is possible that they might have entered the premises searched and clicked the photographs during the course of panchnama and sealing those articles and might have flashed in the news telecast.

i) The application is violation of section 80 of Evidence Act: which lays down the procedure to prove the article publish to media and newspaper, this can only be done after examination of concerned photographs, editor, publisher, on oath before the court; then only such report is admissible evidence and admissible in law.

j) The application is to misguide and malign the Image of prosecution Agency and to mislead before the court with intention to adversely affect the mind of court, against prosecution; and about the fair justice.

Therefore, it is prayed that application be rejected and photograph be discarded even from the purpose of looking into it as same were produced without following the process of law.

Mumbai

Dated:-

2/9/21  
20/NCB