

23.09.2020

Sc

IA NO. CRAN 1 of 2020
Old No. CRAN 4520 of 2020

CRM 6062 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P.S. Case No. 296 of 2020 dated 09.05.2020 under Section 21(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

And

In the matter of: **Chandan Chowdhury**

Mr. Kusal Kumar Mukherjee

Mr. Rana Mukherjee

Mr. Santanu Chatterjee.

....Petitioner (in jail).

...for the Petitioner.

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that a seizure is shown to have been effected pursuant to the statement given by some other and certain items were taken away from the petitioner's place, though no attempt was made to ascertain whether the containers contained anything contraband.

The petitioner says that the chargesheet has also been filed alleging that the petitioner had commercial quantity of contraband at the petitioner's place, but no attempt has been made to ascertain the nature of the compound contained in the containers.

A report was sought when the matter was initially moved. The State produces a report from the Forensic Science Laboratory indicating that because of the lack of infrastructure and staff all tests cannot be conducted in an urgent manner. It is evident that bottles have been put

up for the contents thereof to be tested, but no report has yet been received.

Since it *prima facie* appears that commercial quantity of contraband was recovered from the petitioner's house, the petitioner does not qualify to obtain bail. However, if the Forensic Science Laboratory report indicates the contents to be not contraband, the petitioner may renew the prayer.

CRM 6062 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)