

29.09.2020

Court No. 8
Item No. 5(DL)
abhar/bdatta

**CRM 7083 of 2020
With
CRAN 1 of 2020**

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with New Town Police Station Case No. 346 of 2019 dated 28.08.2019 under Sections 21(C)/29 of the N.D.P.S. Act.

and
In the matter of: Sankar Hauli & Anr.
... Petitioners
.....for the Petitioners
..... For the State

Mr. Satadru Lahiri.

Mr. Rana Mukherjee,
Mr. Santanu Chatterjee.

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioners submits that the petitioners are in custody for 396 days in connection with the aforesaid case. It is further submitted that though the seized article has been sent for chemical examination, yet the report has not been made available and for such reason, the trial is delayed.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that the commercial quantity of contraband was recovered from the possession of the petitioners and the sample has been sent for chemical examination but the report has not been received as yet. He further submits that the charge sheet has already been submitted with a prayer for filing of the supplementary charge sheet after receiving the chemical examination report.

Considering the respective submissions and the materials available from the record produced before us, we do not find that the petitioners have been able to make out a case for taking exception under Section 37 of the N.D.P.S. Act. Accordingly, the prayer for bail is

rejected.

However, we appreciate the agony and anguish shown by the learned advocate for the petitioners over the delayed receipt of the chemical examination report.

We direct the State to take steps to get the examination report as early as possible.

The application for bail being C.R.M. 7083 of 2020 is dismissed.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)