

23.09.2020
Item No.33
Ct.No.11
dc.

C.R.M. 7138 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat P.S. Case No. 588 of 2019 dated 06.12.2019 under Sections 21(C)/22(C)/23(C)/25/27A/28/29 of Narcotic Drugs and Psychotropic Substances Act (corresponding Special Case No.47 of 2019).

And

In the matter of : Sidhu Das @ Utpal ... Petitioner.

Mr. Kaushik Choudhury ... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. C. R. Ghosh ... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Learned advocate for the petitioner submits that the petitioner is aggrieved by the fact that although four persons were named in the FIR yet only the petitioner has been chargesheeted in the instant case. According to the learned advocate, in view of the period of detention, the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail of the petitioner and submits that seizure was effected from this petitioner and the rest of the petitioners were named in the FIR pursuant to the statement made by this petitioner. Accordingly, as no evidence could be gathered, the other accused persons who were named in the FIR have been discharged.

We have perused the memorandum of evidence so submitted by the learned advocate for the State and we find that commercial quantity of phensedyl was recovered from the possession of the petitioner. As such, we are not inclined to release the petitioner on bail. Accordingly, prayer for bail of the petitioner is rejected.

However, we also find that till date, the chemical examiner's report has not been submitted, although the case was initiated on December 2019.

In the circumstances, we direct the learned Special Judge, Dakshin Dinajpur to direct the investigating officer of the case to produce the records regarding the steps which have been taken for collection of chemical examiner's report from the concerned department. The learned Special Judge would expedite the process by giving specific direction upon the investigating officer of the case and take necessary steps towards consideration of charge and proceed with the trial without unnecessary delay in the instant case.

With the aforesaid observation, CRM 7138 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)