

21-10-2020
k.b/b.r.
Item no.12
Rejected
Crt. No.12

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7355 of 2020
Habibur Rahaman @ Babu & Anr.

-vs-

The State of West Bengal
CRAN 1 of 2020
(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with N178/2019 arising out of Deganga P.S. Case No. 629 of 2019 dated 22.10.2019 under Sections 21C/2019 of the NDPS Act, 1985.

Mr. Angshuman Chakraborty ...for the petitioners.

The advocate-on-record for the petitioners undertake to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

Mr. Anghsuman Chakraborty, learned advocate for the petitioners have prayed for bail on behalf of the petitioners specially on the ground that though charge sheet was filed by the Investigating Officer before the Special Court but no chemical examination report was filed with the charge sheet. According to section 36(4) of the NDPS Act the time limit of investigation is one year. Within the same period if chemical examination report is not filed the petitioner is entitled to get its advantage.

Mr. Chakraborty, however, does not deny the allegation of recovery of contraband articles from the possession of the petitioners. It is the matter of trial to ascertain as to whether the contraband articles are narcotic substances or not. On filing of the charge sheet prima facie case against the petitioner has been established.

In view of such circumstances, we are not inclined to release the petitioner on bail.

However, the Investigating Officer is directed to collect the chemical examination report and file the same along with the supplementary charge sheet within one month from the date of reopening after the Puja Vacation in the trial court.

Prayer for bail is thus refused.

The prayer for bail stands thus **rejected**.

CRM 7355 of 2020 is accordingly disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Bibek Chaudhuri, J.]

[Subrata Talukdar, J.]