

05-10-2020
k.b./b.r.
Item no.19
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7481 of 2020

Kabirul Islam

-vs-

The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC arising out of Laketown P.S. Case No. 37 of 2020 dated 25.02.2020 under Sections 21(ii)(C) / 29 of the NDPS Act 1985.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

...for the petitioner.

Mr. Sanjoy Bardhan

... for the State.

The advocate-on-record for the petitioner undertakes 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.

Learned advocate for the petitioner submits that although charge sheet has been submitted but the chemical examination report is yet to be furnished by the Investigating Agency before the competent Court.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer for bail and submits that 290 gms heroine were recovered from the exclusive possession of the present petitioner and although efforts have been made by the Investigating Agency but time has been sought for by the CFSL. As such the same could not be furnished before the competent Court.

We have taken into account the materials available in the Case

Diary as also the seizure list which allegedly reflects that the seizure being effected from the possession of the present petitioner. As such we are of the opinion that the provision of Section 37 of the NDPS Act is attracted and the petitioner is not entitled to be released at this stage.

As such the prayer for bail of the petitioner is rejected.

However, we direct the learned Special Court to pass necessary order upon the Investigating Agency as well as the CFSL to submit its conclusion regarding the seized contraband within a period of six week from date.

With the aforesaid observation, CRM 7481 of 2020 is disposed of.

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]