

05-10-2020
k.b./b.r.
Item no.22
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7487 of 2020
Salamat Gazi @ Chalamat @ Salam
-vs-
The State of West Bengal
with
CRAN 1 of 2020
(Via video conference)

In Re: An application for bail under Section 439 CrPC arising out of Basirhat P.S.
Case 955 of 2019 dated 16.09.2019 under Sections 21(C) of the NDPS Act 1985,

Mr. Angshuman Chakraborty

...for the petitioner.

Mr. Swapan Banerjee
Ms. Sima Biswas

... 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 10 litres of codine mixture were recovered from the possession of the petitioner, yet the long detention of about 382 days is cause of concern and the State has also failed to submit the chemical examiner's report till date. He further adds that there is no scope for progress of the trial and as such the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that as commercial quantity is involved as contraband and efforts are being taken by the investigating agency for submitting the

chemical examiner's report, bail of the petitioner may be rejected.

We have taken into account the materials collected by the investigating agency and on consideration of Section 37 of the NDPS Act, we are not inclined to release the present petitioner on bail. As such the prayer for bail of the petitioner is rejected.

However, the learned Special Court is directed to take steps directing the investigating agency as well as the CFSL to expedite submission of the chemical examiner's report preferably within a period of two months from the date of the communication of this order.

With the aforesaid observation, CRM 7487 of 2020 is disposed of.

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

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]