

13.10.2020

CRM 7767 of 2020

COURT NO. 12
ITEM NO. 05
snandy

(BAIL - REJECTED)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.09.2020 in connection with Kaliachak Police Station Case No. 69 of 2020 dated 24.01.2020 under Sections 21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act. (NDPS Case No. 9 of 2020)

And

In the matter of : **Subrata Mondal & Anr.**

...Petitioners

Mr. Dipanjan Dutta, Advocate

Mr. Amarendra Chakraborty, Advocate

Mr. S.S. Dey, Advocate

...for the Petitioners

Mr. Prasun Kumar Dutta, Advocate

Mr. Sanjay Bardhan, Advocate

Mr. Santanu Deb Roy, Advocate

...for the State

Petitioners undertake 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 petitioners are languishing in jail. They made a prayer for bail on the ground that without obtaining the Forensic Science Laboratory (FSL) report, it cannot be said that the items recovered from the petitioners are narcotics substance.

The learned Counsel for the State, however, opposes the prayer for bail and submits that commercial quantity of narcotics substance has been recovered from the petitioners.

The State must collect the CFSL report relevant for the present investigation from the CFSL Authority as we have been given to understand that the alleged narcotics substance has been sent to CFSL. This order shall also be forwarded to the concerned Central Forensic Science Laboratory for compliance.

Once the FSL report is received the same shall immediately be placed before the learned Trial Judge. If there is inordinate delay in collecting the report and culpable negligence on the part of the Investigating Officer to place the chemical examination report, the petitioners may renew their prayer for bail.

Prayer for bail is **rejected**.

The application being **CRM 7767 of 2020** is thus **dismissed**.

(Saugata Bhattacharyya, J)

(Soumen Sen, J)