

DL 5
25.11.2020
s.biswas

CRM 7956 of 2020

(Via Video Conference)

In re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No.4 of 2019 dated 01.01.2019 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Ezazul Islam**

..... petitioner

Mr. Sourav Pal

.....For the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

.....For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that he has been in custody for more than a year and no chemical analysis report has been obtained to confirm that the material that was recovered from the joint possession of the petitioner and four others was contraband.

The State says that the mixture has been sent for analysis but the report has not been filed yet, in spite of two reminders.

It is high time that Central Forensic Laboratory here is revamped. The laboratory appears to be under great stress during the Covid period.

Prima facie, since commercial quantity of contraband was recovered from the joint possession of the petitioner and others, the petitioner is not entitled to obtain bail. The delay in obtaining the report may be attributed to the pandemic.

The State should obtain such report within the next three months and should prevail on the appropriate authorities to ensure due compliance. If the chemical analysis report is not filed in the trial court by February 24, 2021, the petitioner will be entitled to renew his bail prayer.

CRM 7956 of 2020 is disposed of.

(Aniruddha Roy, J.)

(Sanjib Banerjee, J.)