

18.11.2020
Item No.19
Ct.No.11
dc.

C.R.M. 7958 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 54 of 2019 corresponding to Serampore P.S. Case No. 573 of 2019 dated 19.12.2019 under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Rontu @ Rantu Roy ... Petitioner.

Mr. Avishek Haldar,
Mr. Avik Ghatak,
Mr. Amit Ranjan Pati,
Mr. S. K. Dasgupta ... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh ... For the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 340 days and although charge-sheet has been submitted, but no FSL report was enclosed along with the charge-sheet. The learned advocate also disputes regarding the search and seizure.

Mr. Banerjee, learned advocate appearing for the State submits that the Chemical Examiner's report was submitted on 05.10.2020 and the petitioner is the sole accused from

whose custody commercial quantity of codeine mixture was recovered.

We have considered the materials on record and having regard to the fact that commercial quantity of contraband is involved, which was recovered from the possession of the petitioner, we are of the opinion that the petitioner has not been able to overcome the rigors of Section 37 of the N.D.P.S. Act. As such, prayer for bail of the petitioner is rejected.

However, having regard to the period of detention, we direct that the learned trial court would take effective measures for progress of the case and try to complete the same within a reasonable period of time.

With the aforesaid observations, the application being CRM 7958 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)