

1.12.2020
ks/sk
Item no.8
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.9521 of 2020

Asraf Ali Molla

-vs-

The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Baguiati P.S. Case No.408 of 2019 dated 12.10.2019 under sections 21(c) Narcotic Drugs and Psychotropic Substances Act.

Mr. Angshuman Chakraborty
...for the petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
... 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.

The learned Advocate appearing for the petitioner submits that the petitioner is an innocent one. He has been falsely implicated in the present case. Therefore, the petitioner should be granted bail.

Learned Advocate appearing for the State opposes the prayer for bail and produces the case diary. She draws the attention of this court to the expert opinion wherefrom it reveals that the sample(Ex-A1) contains codeine phosphate and hence comes under the purview of NDPS Act, 1985.

Considering the submission as advanced by the learned Advocate appearing for the parties and after perusing the case diary and the expert opinion, we are of the opinion that there is no scope for releasing the petitioner on bail at this stage.

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

However, the learned trial court is directed to expedite the pending appeal.

CRM No.9521 of 2020 is disposed of.

[Kausik Chanda, J]

[Samapti Chatterjee, J]

