

29.12.2020
Item no.6
Ct.8
suwendu/CHC
Rejected

**C.R.M. No.11271 of 2020
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Ghola Police Station Case No.98 of 2020 dated 25.02.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

And

In the matter of:-

Madhu Halder

... Petitioner

Mr. Koustav Bagchi

.. for the petitioner

Mr. Rana Mukherjee, Ld. A.P.P.
Mr. Goutam Wilson

..for the State

2.5 kgs of codeine mixture was recovered from the petitioner on 25th February, 2020, which is above the commercial quantity. The statutory restriction under Section 37 of the N.D.P.S. Act, 1985 is hence relevant to the case.

Learned counsel for the petitioner submits that the charge-sheet has been submitted by the authorities without a chemical report without which the charge against the petitioner cannot be established.

However, during the course of hearing, a chemical report dated 25th February, 2020 has been handed up indicating the period of testing from 4th August, 2020 – 10th August, 2020 and describing the substance recovered from the petitioner.

Considering the amount, which is above the commercial quantity, the application for bail is rejected. The Special Court below is, however, directed to ascertain the value of the chemical report implicating the petitioner under the provisions of the N.D.P.S. Act. Since the petitioner has been in custody for 309 days, the concerned authorities are directed to expedite the trial and conclude the same within four months from the date of this order.

C.R.M.11271 of 2020 is disposed of in terms of the above.

(Kausik Chanda, J.)

(Moushumi Bhattacharya, J.)

