

12.01.2021

Item No.26

Ct.No.28

dc.

Rejected

C.R.M. 174 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Debra P.S. Case No. 244/20 dated 09.06.2020 under Sections 20(b)(ii)(C) of the NDPS Act, 1985 (NDPS Case No. 19/2020).

And

In the matter of : Subrata Ray ... Petitioner.

Mr. Pravas Bhattacharya ... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das ... For the State.

The learned advocate for the petitioner submits that the petitioner is in custody on and from 09.06.2020. The learned advocate further submits although for such a long time the petitioner is in custody yet there has been no completion of investigation even though initial charge-sheet has been submitted.

The learned advocate for the State submits that the chemical examiner's report is yet to be submitted and the recovery of the contraband was from the possession of the petitioner which is of commercial quantity.

We have perused the materials on record including the seizure list and having regard to the fact that the recovery was from the possession of the present petitioner, we are of

the opinion that the petitioner has not been able to overcome the rigours of Section 37 of the N.D.P.S. Act and as such, is not entitled to be released on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The Investigating Officer of the case is directed to take efforts for collecting the chemical examiner's report within a reasonable period of time.

With the aforesaid observations, CRM 174 of 2021 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.)

(Tapabrata Chakraborty, J.)