

14.01.2021
Item No.30
Ct.No.28
dc.
Rejected

C.R.M. 291 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Hasan Raja Sardar ... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha ... For the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with N 132/2020 arising out of Matia P.S. Case No. 170/2020 dated 06.06.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned advocate appearing for the petitioner submits that the petitioner is in custody since 06.06.2020 and although charge-sheet has been submitted, but till date the investigation has not been completed as the chemical examiner's report is yet to be submitted. The learned advocate further submits that the next date before the learned Special Court is fixed on 05.02.2021.

Mr. Bardhan, learned advocate appearing for the State submits that the chemical examiner's report has been

submitted and supplementary charge-sheet is ready which is dated 23.12.2020. According to him, supplementary charge-sheet would be placed before the court by the next date.

Having regard to the fact that 5.2 litres of codeine mixture were recovered from the possession of the present petitioner which is of commercial quantity, we are of the view that the petitioner has not been able to overcome the rigours of Section 37 of the N.D.P.S. Act and as such, his prayer for bail is rejected.

The application for bail being CRM 291 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)