

24.02.2021
Court No.28
Item No. 23
Krishnendu
Bail Rejected

**CRM 569 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Jahangir Mondal**

.....Petitioner

Ms. Devipriya Mitra

Mr. Prabir Kumar Banerjee

....For the Petitioner

Mr. S.G. Mukherjee, Id. P.P.

Mr. Partha Pratim Das

Mrs. Manashi Roy

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bongaon Police Station Case No. 1002 of 2019 dated 21.12.2019 under sections 20(b)(ii)(c)/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Case No. N-257 of 2019) .

The learned advocate appearing for the petitioner submits that the petitioner is in custody since 21st December, 2019 and there has been no progress in the case. Further, the learned advocate submits that in spite of such long detention, till date the chemical examiner's report has not been submitted before the learned Special Court.

Mr. Das, learned advocate appearing for the State opposes

the prayer for bail and submits that the contraband, so seized, was of commercial quantity and was from the possession of the petitioner.

We have heard the learned advocates appearing for the respective parties and after taking into account the facts of the case, we are of the opinion that the provisions of section 37 of the N.D.P.S. Act are attracted in this case. As such, the prayer for bail of the petitioner is rejected.

However, having regard to the period of detention of the present petitioner, we direct the learned Special Court to take steps with the Investigating Officer of the case so that the chemical examiner's report is available within a period of forty five days from the date of communication of this order.

The learned Special Court thereafter would proceed with the stage of consideration of charge and take all steps so that the trial is expedited and concluded within a reasonable period of time.

With the aforesaid observations, the application for bail, being CRM 569 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)