

01.03.2021

Item No.26

Ct.No.28

dc.

Rejected

C.R.M. 593 of 2021

(Via Video Conference)

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

And

In Re : **Sayek Sk & Anr.**

... Petitioners.

Mr. Mounick Ghosh

... For the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliachak P.S. Case No. 407 of 2020 dated 30.05.2020 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 39/2020).

The learned advocate appearing for the petitioners submits that the petitioners are in custody for more than 266 days and although the investigating agency has submitted the charge-sheet but till date, chemical examiner's report has not been submitted and as such, there is no progress in the case.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer for bail and submits that the quantum of contraband (brown sugar) so seized is of commercial quantity and the chemical examiner's report along with the supplementary charge-sheet has already been filed before the learned special court.

We have perused the materials in the case diary including the seizure list. Having regard to the fact that the contraband (brown sugar) so seized is of commercial quantity, we are of the opinion that the petitioners have 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, petitioners' prayer for bail is **rejected**.

The application for bail, being CRM 593 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)