

08.03.2021
Court No.28
Item No. 11
Krishnendu
Rejected

C.R.M.608 of 2021
(Via video Conference)

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

And

In Re : **Gani Biswas @ Goni Biswas**

Petitioner

Mr. Atis Kumar Biswas

Mr. Soumyajit Bhatta

For the Petitioner

Mr. Ranadeb Sengupta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Baduria Police Station Case No. 514 of 2020 dated 14.09.2020 under section 21(C) of the Narcotic Drugs and Psychotropic Substances Act (Case No. N-188 of 2020).

The learned advocate appearing for the petitioner submits that the petitioner was arrested on 14th September, 2020 and although charge sheet has been submitted but till date the chemical examiner's report has not been submitted before the learned Special Court so that the trial of the case can proceed.

Mr. Sengupta, learned advocate appearing for the State opposes the prayer for bail and submits that 5.2 litres of codeine mixture were recovered from the possession of the petitioner.

Having considered the fact that the seizure list reflects that commercial quantity of contraband was recovered from the possession of the petitioner, we are of the opinion that the provisions of section 37 of the

N.D.P.S. Act are attracted and as such the petitioner is not entitled to be released on bail. Thus, the prayer for bail of the petitioner is rejected.

However, having regard to the fact that chemical examiner report has not yet been submitted, the learned Special Court is directed to take necessary steps and pass directions to the Investigating Officer so that the chemical examiner's report is submitted within a reasonable period of time to facilitate the smooth progress of the case.

With the aforesaid observations, the application for bail, being CRM No.608 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)