

23.03.2021

Item No.102

Ct.No.28

dc.

C.R.M. 1069 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with N-221/2020 arising out of Basirhat P.S. Case No. 1131 of 2020 dated 16.10.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act and Section 14 of Foreigners Act.

And

In Re : **Ariful Mondal**

... Petitioner.

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous

... For the Petitioner.

Mr. Binay Panda,
Mr. S. Bhakat

... For the State.

This is an application for bail in connection with N-221/2020 arising out of Basirhat P.S. Case No. 1131 of 2020 dated 16.10.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act and Section 14 of Foreigners Act at the behest of the petitioner.

The learned advocate for the petitioner submits that the petitioner is in custody for about 157 days and although charge-sheet has been submitted, but till date chemical examiner's report has not been submitted. The learned advocate further submits that considering the detention of the petitioner, he may be released on bail on any stringent condition.

The learned advocate for the State opposes the prayer for bail and submits that as the seizure so effected was of commercial quantity, the petitioner may not be released on bail and the Investigating Officer is trying his level best to obtain the chemical examiner's report.

We have perused the materials on record and we find that there has been seizure of 5 lit. of codeine mixture from the possession of petitioner which is commercial quantity and as such, the provision of Section 37 of the N.D.P.S. Act is attracted. Accordingly, the petitioner's prayer for bail is **rejected.**

However, the learned trial court is requested to monitor the case and pass necessary direction upon the Investigating Officer to obtain the chemical examiner's report at the earliest to facilitate further progress of the case.

The application for bail, being CRM 1069 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)