

28.07.2021

Court No.28
Item No.05
(Rejected)

Akd
&
As

CRM 1111 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with N-193 / 2020 arising out of Baduria Police Station Case No. 533 of 2020, dated 18.09.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of : **Soharab Mondal**

...Petitioner

Mr. Ashok Kumar Chowdhury

...For the Petitioner

**Mr. Binay Panda,
Ms. Puspita Saha,
Mr. S. Bhakat.**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with N-193 / 2020 arising out of Baduria Police Station Case No. 533 of 2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The petitioner is languishing in jail for nearly ten months in connection with the aforementioned case having intercepted by the special team and 5.2 litre of codeine mixture was recovered from the exclusive possession of the petitioner.

Although the charge sheet has been submitted, but the chemical examination report has not been received by the State as yet.

In view of the recovery of contraband above the commercial quantity, we do not find any ground warranting an exception to be taken to the provisions contained under Section 37 of the N.D.P.S. Act.

Hence the prayer for bail is rejected.

However, we direct the State to collect the chemical examination report and alacrity should be shown to expedite the matter.

The application for bail, being CRM 1111 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)