

23.04.2021

Item No.16

Court No.28

Avijit Mitra

**C.R.M.1274 of 2021
(Through video conference)**

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

And

In Re : Md. Amjad Khan

..... petitioner

Mr. Milon Mukherjee, Sr. Adv.,

Mr. Tapodip Gupta

..... for the petitioner

Mr. Swapan Banerjee,

Mr. Suman De

..... for the State

The present application has been preferred in connection with Special Case No.29 of 2020 arising out of Kaliachak Police Station Case no.319 of 2020 dated 24.04.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred on 24th April, 2020. The allegations levelled against the petitioner are unfounded. Though the alleged incident occurred on 24th April, 2020, sampling of the substance was conducted about five months thereafter on 30th September, 2020 and the charge sheet was submitted on 14th October, 2020. In view of such infirmities and as charge sheet has already been submitted, further detention of the petitioner, who is in custody since 24th April, 2020, is not warranted.

Per contra, Mr. Banerjee, learned advocate appearing for the State submits that contraband substance above commercial quantity was recovered from the possession of the petitioner and that in view of the prevailing pandemic situation there was a delay in completing the process of inventory.

We have heard learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie* it appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and in view thereof, the provisions of Section 37 of the N.D.P.S. Act are attracted and as such we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is rejected at this stage.

The application for bail being CRM 1274 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)