

25.03.2021

Item No.110

Ct.No.28

dc.

C.R.M. 1311 of 2021

(Via Video Conference)

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

And

In the matter of : **Omar Faruk**

... Petitioner.

Mr. Surajit Basu,
Ms. Ranu Mondal

... For the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with N. Case No. 129 of 2020 arising out of Basirhat P.S. Case No. 296 of 2020 dated 10.06.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

The learned advocate appearing for the petitioner submits that the petitioner is in custody since 10.06.2020 and till date, the case has not progressed. Additionally, the learned advocate submits that in spite of the direction passed by this Court on 10.11.2020 in CRM 8932 of 2020, the State has failed to submit the chemical examiner's report within a period of six weeks before the learned special court.

Ms. Hossain, learned advocate appearing for the State opposes the prayer for bail and submits that 5 litres of codeine mixture was recovered from the possession of the petitioner and the chemical examiner's report was subsequently submitted before the learned special court by way of supplementary charge-sheet.

We have perused the materials on record and having regard to the fact that commercial quantity of contraband was seized from the possession of the petitioner, the provision of Section 37 of the N.D.P.S. Act is attracted and as such, the petitioner is not entitled to be released on bail. Thus, the petitioner's prayer for bail is **rejected**.

However, the learned special court is directed to proceed with the stage of consideration of charge and trial and take all efforts so that the same is concluded within a reasonable period of time.

The application for bail, being CRM 1311 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)