

12.04.2021
Court No.28
Item No. 137
Avijit Mitra

C.R.M. 1599 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhatar Police Station Case no.69 of 2020 dated 20.02.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ;
And

In Re : **Dilip Kirtyania**

Petitioner

Mr. Manjit Singh

For the Petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

For the State

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 21st February, 2020 and the chemical examiner's report do not conform to the standard as prescribed under the Act.

Learned advocate appearing for the State opposes the prayer for bail and submits that there was recovery of commercial quantity of contraband from the possession of the petitioner.

Having regard to the nature of recovery and the provision of Section 37 of the N.D.P.S. Act we are not inclined to release the petitioner on bail at this stage. As the petitioner is in custody from 20.02.2020, he is granted liberty to agitate the point at the appropriate stage of the trial.

It is also submitted that the charge is yet to be framed. Accordingly, the learned Judge, Special Court is directed to overcome the stage of consideration of charge on the next date so fixed. The prayer for bail of the petitioner is rejected.

Accordingly, the application for bail, being CRM No.1599 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Soumen Sen, J)