

13.04.2021

CRM 1640 of 2021

Court No.28

(Via Video Conference)

Item 137

sg

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 90 of 2020 dated 12.02.2020 under Section 21(C) of the N.D.P.S. Act.

Rafikul Islam

Versus

The State of West Bengal

Mr. Debapratim Guha, Adv.

...for the Petitioner.

Mr. Madhusudan Sur, Adv.

Mr. Dipankar Paramanick, Adv.

...for the State.

The learned Advocate for the petitioner submits that the petitioner is in custody since 12th February, 2020 and charge-sheet has already been submitted. He further submits that the petitioner is a medical student and he may be released on bail on any condition.

The learned Advocate for the State submits that 100 bottles of phensedyl were recovered from the possession of the petitioner and as such, the petitioner is not entitled to release on bail.

This Court has found from the record that by an order dated 17th December, 2020, a co-ordinate Bench in CRM 10488 of 2020 was pleased to reject the prayer for bail of the petitioner. We find there is no change of circumstances as also the fact that the provisions of Section 37 of the NDPS Act is attracted. As such, the prayer for bail of the petitioner is rejected.

However, none of the parties could apprise apply this Court regarding the fate of the Chemical Commissioner's report.

The learned Special Court is directed to take steps and pass necessary orders upon the investigating officer to collect the Chemical Commissioner's report, if

already not collected and place before the learned Special Court. The learned Special Court is also directed to take steps to expedite the progress of the case.

With the aforesaid observation, CRM 1640 of 2021 is disposed of.

Accordingly, the prayer for bail is rejected.

All parties shall act on the server copy of the order.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)