

13-04-2021
Subha
Item no.144
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1667 of 2021

Bablu Sk & Anr.

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with N-89/2020 arising out of Habra P.S. Case No.225 of 2020 dated 16-05-2020 under Sections 21(C)/29 of the N.D.P.S Act.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the petitioners.

Mr. Saibal Bapuli
Mr. Arani Bhattacharya

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with in connection with N-89/2020 arising out of Habra P.S. Case No.225 of 2020 dated 16th May, 2020 under Section 21(C)/29 of the N. D. P. S. Act.

The facts of the case reveal that five liters of codeine mixture were recovered from the joint possession of the present petitioners. Having regard to the quantity so seized, which is of commercial quantity, we are of the opinion that the rigors of Section 37 of the N.D.P.S Act is attracted in this case and as such, the prayer for bail of the present petitioners is rejected.

It has been submitted that till date the chemical examiner's report has not been submitted. As such, the learned special court is

directed to take steps and pass necessary order upon the Investigating Officer of the case for collecting the chemical examiner's report and submit for progress of the case. It would be apposite to state that the petitioner is in custody since 16th May, 2020 and as such, the prosecution, the defence and the court should act in a manner which is conducive to the smooth progress of the case.

The application for anticipatory bail, being CRM 1667 of 2021 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]