

16.08.2021

Court No.28
Item No.16
(REJECTED)

Ab

CRM 1921 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 15.02.2021 in connection with Balurghat Police Station Case No. 378 of 2020 dated 01.10.2020 under Sections 21(C)/22(C)/23(C)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 73 of 2020);

And

In the matter of : **Samir Barman @ Sushanta.**

...Petitioner.

**Mr. Debayan Ghosh,
Mr. Koustav Bagchi,
Mr. Arup Sarkar.**

...For the Petitioner

**Mr. Madhusudan Sur,
Mr. Manoranjan Mahata.**

... For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 378 of 2020 under Sections 21(C)/22(C)/23(C)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

Indubitably, the commercial quantity of contraband was recovered from the joint possession of the petitioner. One of the co-accused has been enlarged on bail, as nothing was recovered from his exclusive or joint possession. The petitioner cannot claim parity with the said accused. The charge-sheet has already been submitted without any Chemical Examination Report.

Since the commercial quantity of contraband was recovered from the joint possession of the petitioner, we do not find any ground to take exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act.

The prayer for bail of the petitioner is **rejected**.

However, the State is directed to collect the Chemical Examination Report immediately and shall take appropriate steps in progress of trial.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)