

30.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-29
nandy/biswas

CRM 2069 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 19.02.2021 in connection with Swarupnagar Police Station Case No. 494 of 2020 dated 04.10.2020 under Section 27(b) of the Drugs & Cosmetics Act and under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act (G.R. Case No. 4152 of 2020).

and

In the matter of: **Najimul Gazi @ Nazmul Gazi**

..... Petitioner

Mr. Satadru Lahiri, Advocate

.....for the Petitioner

Mr. Sanjay Bardhan, Advocate

Ms. Manisha Sharma, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Swarupnagar Police Station Case No. 494 of 2020 dated 04.10.2020 under Sections 27(b) of the Drugs & Cosmetics Act and under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner has been implicated in the instant case after recovery of the contraband articles (phensedyl) of commercial quantity from his exclusive possession. The petitioner is languishing in jail for nearly 271 days.

It is no doubt true that charge-sheet has already been submitted without the Chemical Examination Report. We do not find it is a fit case where the petitioner is entitled to bail as exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act has been made out.

The prayer for bail is **rejected**.

The application being **CRM 2069 of 2021** accordingly **dismissed.**

However, we show our concern over the delayed collection of the Chemical Examination Report, which impedes the progress of the trial.

We thus, direct the State to collect the said report within a fortnight from date and further steps which are required to be taken shall be taken in this regard upon showing alacrity.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)